

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON LIABILITY

Alek Schott v. Bexar County, Texas

Case No. 5:23-cv-00706-OLG-RBF

EXHIBIT 7

Bexar County Sheriff's Office
Javier Salazar, Sheriff
Internal Affairs Section



IA Case Number: 2023-IA-0228

Poor Job Performance
Body Worn Camera and Digital Media Evidence
Bringing Discredit

Investigator: Sgt. Victor Perez #260



DEF BATES BC 008302

Bexar County Sheriff's Office
Javier Salazar, Sheriff

Internal Affairs Section

INTERNAL INVESTIGATION CASE DOCUMENTS ENCLOSED

BCSO CASE #: 2023-IA-0228

OFFENSE/INCIDENT: PERFORMANCE OF DUTIES, BODY WORN CAMERA, BRINGING DISCREDIT

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DEF BATES BC 008303



Bexar County Sheriff's Office

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**Internal Affairs Division
Administrative Investigation Report**

| | | |
|---|-------------------------------|--|
| Complainant: | Reporting Person: | IA Case Number: |
| Sheriff's Administration | Sgt. Victor Perez #260 | 2023-IA-0228 |
| Nature of Complaint: | Date of Incident: | Location of Incident: |
| Interdiction Deputy conducted traffic stop resulting in civil rights complaint. | 3/16/2022 | IH 35 S NB/ Shepherd Rd, San Antonio Texas 78002 |
| Subject of Investigation: | Badge Number: | Employee Number: |
| Deputy Joel Babb | 1604 | 38552 |
| Date of Hire: | Division Assigned: | Case Expiration Date: |
| 10/26/2015 | CID/Gang Unit | 365 days: 06/12/2024 |
| Approving Administrator: | Date Approved: | Status: |
| <i>[Signature]</i> | 01-30-2024 | |
| PIU Assigned: | Charges Pending/Filed: | Date of this Report: |
| NO | NO | 12/28/23 |

THE FOLLOWING INVESTIGATIVE REPORT CONTAINS CONFIDENTIAL AND SENSITIVE INFORMATION. DISSEMINATION OF SAID INFORMATION WITHIN OR OUTSIDE OF THE AGENCY IS PROHIBITED EXCEPT THROUGH ESTABLISHED CHANNELS.

THIS REPORT CONTAINS THE RESULTS OF AN ADMINISTRATIVE INVESTIGATION. THE HEREIN CONTAINED FACT FINDINGS ARE BASED UPON PREPONDERANCE OF THE AVAILABLE EVIDENCE. NO RECOMMENDATIONS OR SUGGESTIONS REGARDING DISCIPLINARY ACTIONS ARE INCLUDED. SUCH RECOMMENDATIONS ARE BEYOND THE JURISDICTIONAL SCOPE OF THE INTERNAL AFFAIRS DIVISION AUTHORITY AS DEFINED BY AGENCY POLICY.

THE ONLY CONCLUSIONS CONTAINED WITHIN THIS REPORT ARE THOSE WHICH CAN BE LOGICALLY DEDUCED FROM THE EVIDENCE. THE REVIEWING AUTHORITY IS NOT BOUND BY THE FINDINGS CONTAINED WITHIN THIS REPORT AND IS FREE TO DRAW HIS OR HER OWN CONCLUSIONS.



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NATURE OF COMPLAINT

On March 16, 2022, at approximately 1115 hours, Interdiction Deputy, **RO**, conducted a traffic stop on **C's** vehicle. The vehicle was subsequently searched by K9 unit **NRO1** with no findings and **C** was released. **C** later filed a complaint alleging his rights were violated and was reviewed by **NRO2** and closed the complaint. **C** continued to pursue this matter leading into a deeper investigation.

INVESTIGATIVE DETAILS

The following is based on statements from the involved parties, incident reports and supplemental information and data.

On June 16, 2023, I was assigned Internal Affairs Case #2023-IA-0228 due to **C** making a civil rights violation complaint made against **RO** and I began investigating the allegation.

I reviewed Internal Affairs Complaint 2022-IA-0209 investigated by **NRO2**. **C** contacted the internal Affairs office March 18, 2022, claiming the traffic stop conducted by **RO** was without cause. **C** also emailed **NRO2** requesting updates on her investigation and claimed to have spoken to a Sergeant who advised it was not "standard practice" to remove the driver from a vehicle in a traffic stop or identify the driver in the front seat of a patrol vehicle. **C** claimed the unknown Sergeant suggested **C** should have left without his driver's license if **C** did not want to wait for the K9. **NRO2** reviewed **RO's** body worn camera footage and responded to **C** advising there were no policy violations or damage to his vehicle observed by **NRO2** during this traffic stop. **NRO2** closed **C's** complaint on June 2, 2022, with no findings and was initialed by **NRO3**.

I reviewed the Spears report for **C's** traffic stop conducted by **RO**. **RO** reported that he was working in his Criminal Interdiction capacity and mistakenly did not activate his mobile recording systems just before his traffic stop. **RO** reported he observed **C's** vehicle driving over the fog line and pulled over **C's** vehicle. **RO** approached the vehicle and announced the reason for his stop and concern of sleepy drivers. **RO** reported he observed **C's** body language was suspicious and conducted his interview with **C** in the front seat of **RO's** vehicle. During **RO's** interview, he reported **C's** behavior to indicate possible deception but did not provide **RO** with consent to search his vehicle. **RO** reported **NRO1** arrived on scene and conducted an outer sniff and alerted. **RO** then secured **C** in the back of **RO's** vehicle and conducted a search. **RO** also requested **C's** assistance to open **C's** vehicle's bed cover and back seat to mitigate potential damage during the search. **RO** reported he could not find any contraband and released **C** from custody and issued him a warning for not maintaining a single lane. I reviewed **NRO1's** report which stated the K9 alerted on the vehicle and **NRO1** advised **RO**.

I reviewed the Body Worn Camera footage captured by **RO** and **NRO1** during the traffic stop. **RO's** video started recording nearly two minutes before **C's** vehicle came to a stop. **RO** conducted his traffic stop as described in his report. **RO** removes his BWC and places it on the dash of his vehicle to record his interview. At 33:47 minutes into the video, **RO** leaves the vehicle to meet with **NRO1** with **C** still in the passenger seat unsecured. **RO** speaks to **NRO1** and refers to "that thing" and "this is one of those one's" and "it was one that I was

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looking for." **RO** then states to **NRO1** "they have been tracking it." **RO** then converses with **C** again while **NRO1** starts his air sniff with this K9. **C** states "I'm surprised he asked for permission." **RO** further explains "it's a reasonable suspicion thing." At 37:41 into the video **RO** moves **C** to the back of the patrol vehicle after **NRO1** had a positive alert. **RO** then has another conversation with **NRO1** about the positive alert. **RO** also utters "a guy called me" and discussed **RO's** location. **RO** then has a phone conversation with someone asking for more intel. **RO** begins his search, and no observable damage to **C's** vehicle was captured on his camera footage. The video continuity was broken at 17:05:45 Zulu time and was resumed immediately on a separate video from **RO's** camera. **RO** completes his search and releases **C** from custody without incident.

I researched the Vigilant database (License Plate Reader information) and observed **C's** vehicle captured on March 15, 2022, at 1852 hours, by Fayette County Sheriffs Office's and again at **RO's** traffic stop.

I obtained **RO's** Mobile Recording System (Dash Camera) log from **NRO4**. **NRO4** observed that **RO's** dash camera was working in the vehicle stop prior to **C's** stop and was manually turned off preventing it to function by vehicle light activation. **RO's** body camera's footage started recording at 1113:25 hours (30 seconds prior to activation). **RO's** Mobile recording system was turned off at 1113:17 hours with the battery at full capacity (100%). **RO's** Mobile Recording system successfully uploaded **RO's** previous traffic stop at 0945:06 with no errors or malfunctions. At 1246:39 hours, **RO** powered on his Mobile Recording System and the call was closed from the Computer Assisted Dispatch at 1231:20 indicating he had knowledge of the camera being off prior to writing his report.

On September 21, 2023, I ordered **RO** into the Internal Affairs Office for a statement. **RO** stated at the time of **C's** traffic stop he was assigned to the Criminal Interdiction Unit with several training courses related to Interdiction. **RO** was asked what his reasoning was for pulling **C's** vehicle over and **RO's** response was he was contacted by a Fusion Center officer who advised **C's** vehicle did a one-day turnaround from San Antonio with a female passenger and was already en route back from Carrizo Springs. **RO** also noted the Fusion Center tracks license plates for irregular travel patterns for potential human trafficking. **RO** then observed **C's** vehicle cross the fog line to establish probable cause for his traffic stop. **RO** also stated it is not irregular for interdiction officer to communicate these suspicious traffic patterns. **RO** stated he was inclined to document the incident, despite the stop resulting in a warning, due to **C** asking if the incident was going to be documented. **RO** was questioned what he meant in his report when he used the term "inoperable" regarding his dash camera and his reply was "not in operation" with no indication of the camera malfunctioning. **RO** also stated **NRO1** has been utilized for numerous Federal cases for found contraband and his K9 is a trusted source. **RO** stated he observed **C's** vehicle cross the fog line prior to pulling out behind his vehicle. **RO** explained placing **C** in the front seat is a common interdiction tactic. **RO** also added that **C** did apologize for crossing over into the fog line and I verified the statement and observed the utterance at 2:50 minutes into **RO's** Body camera footage.

On January 12, 2024, **NRO1** was ordered into the Internal Affairs office for a statement. **NRO1** stated he was not aware of **RO's** probable cause for the stop but gained consent from **C** to run his K9 on his truck. **NRO1's** K9 positively alerted on **C's** vehicle. **NRO1** also added

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that **RO** mentioned a guy called him about the truck, but **NRO1** stated he was not aware of who **RO** was talking to.

On January 12, 2024, **NRO5** was ordered into the Internal Affairs office for a statement. **NRO5** stated he responded to assist **RO** with the traffic stop. Upon **NRO5's** arrival to the traffic stop location, **RO** was already searching the vehicle. **NRO5** stated he then assisted **RO** with the search. **NRO5** further stated he could not recall **RO** providing a reason for his traffic stop.

On January 25, 2024, **RO** was ordered into the Internal Affairs office to acknowledge the added statements provided by **NRO1** and **NRO5**. **RO** had no statements to add at this time.

INVESTIGATIVE CONCLUSION

After reviewing all interviews, reports, and other documentation, I have found evidence indicating **RO** violated policies of the Bexar County Sheriff's Office. Evidence indicates on March 16, 2022, at 1113 hours, **RO** manually turned off his mobile recording device and failed to activate it for his **C's** traffic stop. **RO** reported on March 18, 2022, his dash camera was "mistak[enly] not activated" for the stop but was turned off just eight seconds before his body worn camera started recording. The footage of **RO's** body camera indicated his vehicle was already in motion at this time. **RO** added a supplemental report on April 12, 2022, after the incident and stated the dash camera was "inoperable" and **RO** then "realized at that point the footage was not there" indicating an untruthful statement entered into record. **C** challenged the validity of the traffic stop and employed the assistance of a third-party auditor to put out a video which resulted in over 900k views and numerous news articles on social media. Despite the above findings, orientation of the **RO's** vehicle on the side of the roadway would not have allowed **RO's** dashcam to capture the traffic violation **RO** reported he observed and that was admitted by **C** during **RO's** first contact with **C**. There was insufficient evidence indicating **RO** violated **C's** civil rights during this investigation.

FINDINGS

Sheriff's Office Policy and Procedures

5.02 Performance of Duties - **SUSTAINED**

- **RO** acted in a manner that would bring discredit upon himself and the Sheriff's Office by failing to activate his Mobile Recording System.

5.21 Cruel Treatment or willful neglect - **NOT SUSTAINED**

- Insufficient Evidence

5.24 Conduct Unbecoming an Officer - **SUSTAINED**

- **RO's** actions of turning off his dash camera and entering a false statement into a supplemental report did not reflect most favorably on the Sheriff's Office and caused an adverse effect on the Sheriff's Office by causing **C** to question the validity of **RO's** traffic stop and produced an unfavorable social media presence.



5.26 Untruthfulness – **SUSTAINED**

- **RO** knowingly entered a conflicting statement into record on April 12, 2022, by saying he recently realized there was no dash cam footage when he already previously reported the camera was mistakenly not activated.

5.31 Interference with Duties of Other Employees – **NOT SUSTAINED**

- Insufficient Evidence

5.37 Operation of County Motor Vehicle – **NOT SUSTAINED**

- Insufficient Evidence

5.38 Use of County Motor Vehicle – **NOT SUSTAINED**

- Insufficient Evidence

5.44 Violations of Law – **NOT SUSTAINED**

- Insufficient Evidence

5.45 Bringing Discredit – **SUSTAINED**

- **RO** behaved in a manner that brought distrust upon himself and the Sheriff's Office as a whole.

5.46 Immoral Conduct – **SUSTAINED**

- **RO** knowingly entered an untruthful statement into record when he contradicted his original report with his supplemental report on April 12, 2022.

5.50 Relations with the Public – **NOT SUSTAINED**

- Insufficient Evidence

12.02 Handcuffing of Prisoners – **NOT SUSTAINED**

- Insufficient Evidence

12.03 Searching of Prisoners – **NOT SUSTAINED**

- Insufficient Evidence

12.05 Transporting Prisoners – **NOT SUSTAINED**

- Insufficient Evidence

12.06 Care of Prisoner's Property – **NOT SUSTAINED**

- Insufficient Evidence

44.04 Procedures (Body Worn Camera) – **SUSTAINED**

- **RO** Failed to activate his mobile recording system for this traffic stop.

Sheriff's Office Civil Service Rules

9.02 (D) Dishonesty - Characterized by lack of trust, honesty or trustfulness. - **SUSTAINED**



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9.02 (J) Poor Job Performance - **SUSTAINED**

9.02 (M) Violation of any statute, Civil Service rule, regulation or Commission order. - **NOT SUSTAINED**

9.02 (O) Conduct or action that would seriously impair job effectiveness. - **SUSTAINED**

9.02 (P) Conduct which has proven to be detrimental or has an adverse effect on the Sheriff's Office. - **SUSTAINED**

LEGAL COUNSEL

RO was accompanied by CLEAT Attorney Analisa Longoria when he arrived at Internal Affairs to provide his Garrity Statement.

Bexar County Sheriff's Office

INTERNAL AFFAIRS SECTION—Case Number: 2023-IA-0228

Identification Legend

Respondent Officer – **RO** – Deputy Joel Babb #38552

Non-Respondent Officer #1 – **NRO1** – Deputy Martin A. Molina III #35946

Non-Respondent Officer #2 – **NRO2** – Sgt. Marta Rodriguez #33163

Non-Respondent Officer #3 – **NRO3** – Lt. Elizabeth Gonzalez #31256

Non-Respondent Officer #4 – **NRO4** – Cpt. Aaron Von Muldau #13411

Non-Respondent Officer #5 – **NRO5** – Deputy Joe Gereb #35011

Complainant – **C** – Alek Schott TDL#11974520

LB



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Rerey
2023-0228

TO: Chief Deputy James Serrato

THRU: Assistant Chief Deputy Roland Schuler
Chief of Staff

FROM: Deputy Chief Maria G. Garza
Professional Standards and Development Division

DATE: June 12, 2023

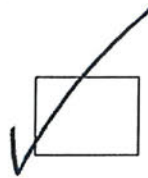
RE: Request for Investigation:
Deputy Babb, Joel EMP# 38552



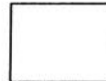
On March 16, 2022, Deputy Babb, Joel while working in the course of his Interdiction team duties, conducted a traffic stop and detained the driver of the vehicle. Deputy engaged in a prolonged conversation with the driver and waited for the K-9 Unit to respond. Upon the K-9 alerting of possible drugs in the vehicle, deputy searched the vehicle after obtaining consent from the driver. The Body Worn Camera recording shows Deputy Babb exited the vehicle several times leaving the engine running while the detainee was in the front seat of the vehicle until deputy Babb placed him at the back seat of his patrol vehicle unrestrained.

At this time, we are requesting an investigation be conducted to determine the facts of the case and to identify all potential misconduct by ANY Sheriff's Personnel, as well as, all potential violations of statutes, laws, and/or local ordinances.

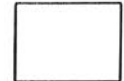
Approved for
Internal Affairs:



Approved for
Public Integrity Unit:



Denied:



James Serrato
James Serrato
Chief Deputy

06-13-2023
Date

Staff Photo

Registration #: 13479

Name: **JOEL M. BABB**

D.O.B



Gender: **M**

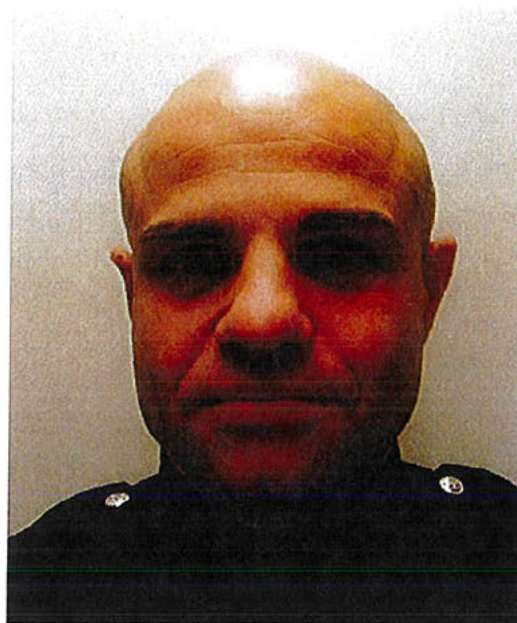
Height: **5' 7"**

Weight: **177**

Hair: **BRN**

Eyes: **BRO**

Race: **WHITE**



Employee Type: **LAW ENFORCEMENT**

DL#: **TX 40252767**

Date Hired: **10/26/2015**

Employee#: **38552**

Division: **PATROL**

Work Location: **PATROL**

Security Lvl: **YELLOW- AUTH ENTRY**

BADGE #: **1604**

DEF BATES BC 008312

[Employee Home](#)[Employee Basic](#)[Education](#)[Employment](#)[Information](#)[Demographics](#)[Termination](#)[Supervisor](#)[Contact Info](#)[Emergency Contact](#)[Pay History](#)[Personnel Dates](#)**Officer Image****Name:** BABB, JOEL **Badge:** 1604 **Rank/Title:** DEPUTY SHERIFF - LAW ENFORCEMENT **EmployeeNo:** 38552



Bexar County Sheriff's Office

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Internal Affairs Section Contact Information

PLEASE PRINT CLEARLY

Date: 09/21/23

Name/Nombre:

Babb
Last/Apellido

Joel
First/Nombre

Malcolm
Middle

Date of Birth/Fecha de Nacimiento:

[REDACTED]

Home Address/Direccion de Residencia:

[REDACTED]
Street/Calle

San Antonio
City/Ciudad

TX
State/Estado

78253
ZIP Code

Place of Employment/Lugar de Empleo:

BCSO Training Academy

Telephone/Telefono:

2
Home/De Residencia

[REDACTED]
Cellular/Mobile

210 844 7153
Employment/Empleo

Email Address/Correo Electronico:

[REDACTED] @bexar.org

Additional Information; SID Number, etc.

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200 North Alamo | San Antonio, Texas 78205 | info@bexar.org / bexar.org/sheriff
Office: (210) 335-6010 | Emergency: 911 | Fax: (210) 335-6019

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Internal Affairs Section ORDER to REPORT

To: Deputy Joel Babb 38552

From: SGT Victor Perez #260
Internal Affairs Section

IA Case Number: 2023-IA-0228

Date: January 17, 2024

You are hereby **Ordered to Report** to the **Bexar County Sheriff's Office Internal Affairs Section, 126 E. Nueva St, B1, San Antonio, Texas 78204 at 1000 Hours on January 25, 2024**, in accordance with Section 5.03 of the Bexar County Sheriff's Office Manual of Policy and Procedure, and Article 19 of the Collective Bargaining Agreement.

NOTES:

- **Clothing is required to be appropriate for a professional office setting.** PROHIBITED apparel includes sweat suits; T-shirts, tank tops, athletic jerseys; blue (or other color) denim jeans; shorts; tight, low-cut or slit designs, sheer fabric or other revealing attire; hats, caps or other headwear; open-toe footwear, such as sandals, flip-flops and any other similar, non-professional attire (Bexar County Sheriff's Policies and Procedures, Chapter 7.10).
- Park in the SOUTH FLORES STREET PARKING GARAGE, located next door to Bexar County Human Resources, and bring the issued parking ticket to the office with you for validation.

You are advised as per Sheriff's Office policy, that you are required to obey all lawful orders issued to you by a superior officer, and that failure to comply with this written order constitutes an act of "Insubordination" (Chapter IX, Sec.9.02. C, of the Bexar County Civil Service Rules), and will result in disciplinary action taken against you that may include your immediate termination.

Issued on January 17, 2023, San Antonio, Bexar County, Texas.


SGT Victor Perez #260
Internal Affairs Section


Employee's Signature

Served By


Date


Date/Time Served



Bexar County Sheriff's Office

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Internal Affairs Section Order of Confidentiality

To: Deputy Joel Babb #38552

From: Sergeant Victor Perez #260
Internal Affairs Section

Regarding: Confidentiality of Official Information

IA Case Number: 2023-IA-0228

You are hereby **ORDERED not** to discuss, publish, circulate or release any information concerning the following regarding the above referenced case:

1. Any aspects of your interview by the Internal Affairs Section.
2. Your statement / report submitted to the Internal Affairs Section.
3. Any photographs, documents or other physical evidence concerning the above case.
4. Any information concerning the facts of the incident under investigation in this case.

The only exceptions to the above prohibitions are that you may discuss the case with your attorney if you are the accused party, the Internal Affairs Investigators, the Chief Deputy or the Sheriff. You may, in most instances, discuss the matter with your Division Chief unless otherwise ordered.

This **ORDER** shall remain in effect during the pendency of this investigation. Once the investigation is complete and the matter has been resolved administratively or otherwise, this **ORDER** will be rescinded. However, until this matter is resolved, you are subject to this **ORDER**.

Failure to strictly abide by this **ORDER** will result in severe disciplinary action up to and including termination.

Sgt. Victor Perez #260

Sergeant Victor Perez #260
Internal Affairs Section

Employee's Signature

Date

Served By

Date/Time Served

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200 North 1st Street, Suite 100, San Antonio, Texas 78201 | Phone: (210) 335-6010 | Fax: (210) 335-6019
DEF BATES BC 008316



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Internal Affairs Section Notification of Allegations

To: Deputy Joel Babb 38552

From: SGT Victor Perez #260
Internal Affairs Section

IA Case Number: 2023-IA-0228

Complainant: Sherrif's Administration

Date: January 17, 2024

A complaint of misconduct has been made against you. Internal Affairs SGT Victor Perez #260 is in charge of this investigation.

As required by the Collective Bargaining Agreement Article 19, Section 4 (C), **you are hereby informed as to the general nature of the investigation and you are being provided sufficient information to reasonably apprise you of the specific allegation(s) against you.** A written response will be required from you regarding the following allegation(s).

ALLEGATION(S). Including but not limited to:

Sheriff's Office Policy and Procedures

- 5.02 Performance of duties
- 5.21 Cruel Treatment Willful Neglect
- 5.24 Conduct Unbecoming an Officer
- 5.26 Untruthfulness
- 5.31 Interference with Duties of Other Employees
- 5.37 Operation of County Motor Vehicle
- 5.38 Use of County Motor Vehicles
- 5.44 Violations of Law
- 5.45 Bringing Discredit
- 5.46 Immoral Conduct
- 5.50 Relations with the Public
- 12.02 Handcuffing of Prisoners
- 12.03 Searching of Prisoners
- 12.05 Transporting Prisoners
- 12.06 Care of Prisoner's Property
- 44.04 Procedures (Body Worn Camera)

Sheriff's Office Civil Service Rules

- 9.02 (J) Poor Job Performance
- 9.02 (M) Violation of any statute, Civil Service Rule, Regulation, or commission order.
- 9.02 (O) Conduct or action that would seriously impair job effectiveness
- 9.02 (P) Conduct which has proven to be detrimental or has an adverse effect on the Sheriff's Office.

On March 16, 2022, you conducted a traffic stop and detained the driver. Your Body Worn Camera shows you exiting the vehicle several times with the engine running while the detainee was in the front seat unrestrained. Your actions surrounding the incident may have caused you to violate Sheriff's Civil Service Rules, BCADC Policies and Procedures Rules and/or Bexar County Policies and Procedures. The incident is in the process of being investigated for alleged malpractice or misconduct.

Notification made by:

Det. Victor Perez #260

Date and Time:

01/19/24

Date

0937

Time

EMPLOYEE'S ACKNOWLEDGEMENT OF RECEIPT

Page 1 of 1:

JB

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Bexar County Sheriff's Office

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Internal Affairs Section ORDER to REPORT

To: Deputy Joel Babb 38552

From: SGT Victor Perez #260
Internal Affairs Section

IA Case Number: 2023-IA-0228

Date: September 14, 2023


You are hereby **Ordered to Report** to the **Bexar County Sheriff's Office Internal Affairs Section, 126 E. Nueva St, B1, San Antonio, Texas 78204 at 1300 Hours on September 14, 2023**, in accordance with Section 5.03 of the Bexar County Sheriff's Office Manual of Policy and Procedure, and Article 19 of the Collective Bargaining Agreement. (AD) 21st


NOTES:

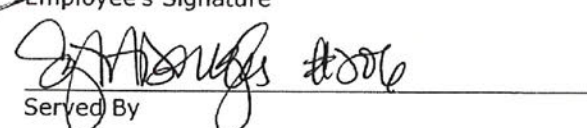
- **Clothing is required to be appropriate for a professional office setting.** PROHIBITED apparel includes sweat suits; T-shirts, tank tops, athletic jerseys; blue (or other color) denim jeans; shorts; tight, low-cut or slit designs, sheer fabric or other revealing attire; hats, caps or other headwear; open-toe footwear, such as sandals, flip-flops and any other similar, non-professional attire (Bexar County Sheriff's Policies and Procedures, Chapter 7.10).
- Park in the SOUTH FLORES STREET PARKING GARAGE, located next door to Bexar County Human Resources, and bring the issued parking ticket to the office with you for validation.

You are advised as per Sheriff's Office policy, that you are required to obey all lawful orders issued to you by a superior officer, and that failure to comply with this written order constitutes an act of "Insubordination" (Chapter IX, Sec.9.02. C, of the Bexar County Civil Service Rules), and will result in disciplinary action taken against you that may include your immediate termination.

Issued on September 14, 2023, San Antonio, Bexar County, Texas.


SGT Victor Perez #260
Internal Affairs Section


Employee's Signature


Served By

09/15/23
Date

9/15/2023 1212hrs
Date/Time Served

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200 North Comal | San Antonio, Texas 78207 | www.bexar.org/sheriff

Office: (210) 355-0000 | Fax: (210) 355-6019

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Bexar County Sheriff's Office

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Internal Affairs Section Order of Confidentiality

To: Deputy Joel Babb 38552

From: Sergeant Victor Perez #260
Internal Affairs Section

Regarding: Confidentiality of Official Information

IA Case Number: 2023-IA-0228


You are hereby **ORDERED not** to discuss, publish, circulate or release any information concerning the following regarding the above referenced case:


1. Any aspects of your interview by the Internal Affairs Section.
2. Your statement / report submitted to the Internal Affairs Section.
3. Any photographs, documents or other physical evidence concerning the above case.
4. Any information concerning the facts of the incident under investigation in this case.

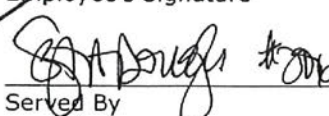
The only exceptions to the above prohibitions are that you may discuss the case with your attorney if you are the accused party, the Internal Affairs Investigators, the Chief Deputy or the Sheriff. You may, in most instances, discuss the matter with your Division Chief unless otherwise ordered.

This **ORDER** shall remain in effect during the pendency of this investigation. Once the investigation is complete and the matter has been resolved administratively or otherwise, this **ORDER** will be rescinded. However, until this matter is resolved, you are subject to this **ORDER**.

Failure to strictly abide by this **ORDER** will result in severe disciplinary action up to and including termination.


Sergeant Victor Perez #260
Internal Affairs Section


Employee's Signature


Served By

09/15/23
Date

9/15/2023 12:26pm.
Date/Time Served

Integrity | Fairness | Leadership | Professionalism

200 North Comal | San Antonio, Texas 78207 | www.bexar.org/sheriff

DEF BATES BC 008319



Bexar County Sheriff's Office

★★★★★ Sheriff Javier Salazar ★★★★★

Internal Affairs Section Notification of Allegations

To: Deputy Joel Babb 38552
From: SGT Victor Perez #260
 Internal Affairs Section
IA Case Number: 2023-IA-0228
Complainant: Sherrif's Administration
Date: September 14, 2023

A complaint of misconduct has been made against you. Internal Affairs SGT Victor Perez #260 is in charge of this investigation.

As required by the Collective Bargaining Agreement Article 19, Section 4 (C), **you are hereby informed as to the general nature of the investigation and you are being provided sufficient information to reasonably apprise you of the specific allegation(s) against you.** A written response will be required from you regarding the following allegation(s).

ALLEGATION(S). Including but not limited to:

Sheriff's Office Policy and Procedures

- 5.02 Performance of duties
- 5.21 Cruel Treatment Willful Neglect
- 5.24 Conduct Unbecoming an Officer
- 5.26 Untruthfulness
- 5.31 Interference with Duties of Other Employees
- 5.37 Operation of County Motor Vehicle
- 5.38 Use of County Motor Vehicles
- 5.44 Violations of Law
- 5.45 Bringing Discredit
- 5.46 Immoral Conduct
- 5.50 Relations with the Public
- 12.02 Handcuffing of Prisoners
- 12.03 Searching of Prisoners
- 12.05 Transporting Prisoners
- 12.06 Care of Prisoner's Property

Sheriff's Office Civil Service Rules

- 9.02 (J) Poor Job Performance
- 9.02 (M) Violation of any statute, Civil Service Rule, Regulation, or commission order.
- 9.02 (O) Conduct or action that would seriously impair job effectiveness
- 9.02 (P) Conduct which has proven to be detrimental or has an adverse effect on the Sheriff's Office.

On March 16, 2022, you conducted a traffic stop and detained the driver. Your Body Worn Camera shows you exiting the vehicle several times with the engine running while the detainee was in the front seat unrestrained. Your actions surrounding the incident may have caused you to violate Sheriff's Civil Service Rules, BCADC Policies and Procedures Rules and/or Bexar County Policies and Procedures. The incident is in the process of being investigated for alleged malpractice or misconduct.

Notification made by: SGT ANJELIQUE BLOUAS # 204

Date and Time:

9/15/2023
Date

12:26pm
Time

EMPLOYEE'S ACKNOWLEDGEMENT OF RECEIPT



**Internal Affairs Section
Interrogatories**

| | |
|---------------------------------|--------------|
| Date of Incident: | 3/16/22 |
| Internal Affairs Case #: | 2023-IA-0228 |

BCSO Policies and Procedures — Chapter 14

- I. In all Administrative investigations (Non-Criminal) the officer may be ordered by the Sheriff, the Internal Affairs Commander or their designee, to answer these relevant questions.
- J. The officer will be informed that **his failure or refusal to answer the questions or to be polygraphed, when ordered, is grounds for discipline or dismissal from the BCSO as conduct prejudicial to good order**, however any statement made by an officer based on threat of discipline for failing to respond will be inadmissible against him in any subsequent criminal proceedings.
- K. **If the officer fails to respond to a verbal order to answer**, the order will be reduced to writing and will be signed by either the Sheriff, the Chief Deputy or the Commander of Internal Affairs.

All personnel are ORDERED to answer all questions during the course of an Internal Affairs investigation.

—Lieutenant Abraham Abraham #231, Internal Affairs Commander

"On September 21, 2023, at 1000 hours, at the Internal Affairs Section Office, I, Joel Babb, was ordered to submit this report by SGT Victor Perez #260. I submit this report (give this statement) as ordered as a condition of employment. In view of possible job forfeiture, I have no alternative but to abide by this order.

"It is my belief and understanding that the Agency requires this report (statement) solely and exclusively for internal purpose and will not release it to any other agency. It is further my belief that this report (statement) will not and cannot be used against me in any subsequent proceeding other than disciplinary proceedings within the confines of the Agency itself.

"For any and all other purposes, I hereby reserve my constitutional right to remain silent under the FIFTH and FOURTEENTH AMENDMENTS to the United States Constitution and other rights prescribed by law. Further, I rely specifically upon the protection afforded me under the doctrines set forth in Garrity vs. New Jersey, 385 U.S. 493 (1967), and Spevack vs. Klein, 385 U.S. 511 (1967), should this report (statement) be used for any other purposes regardless of kind or description."



01. Question:

Are you aware that officers in the Bexar County Sheriff's Office are to read, update and understand the Manual of Policies and Procedures of the Bexar County Sheriff's Office?

01. ANSWER:

Yes.

02. Question:

Have you read and updated the Manual of Policies and Procedures of the Bexar County Sheriff's Office and understand the Manual of Policies and Procedures?

02. ANSWER:

Yes.

03. Question:

Are you familiar with and understand the provisions of the crime of Perjury?

03. ANSWER:

Yes.

04. Question:

Are you aware that you could be ordered to submit to a polygraph examination?

04. ANSWER:

Yes.

05. Question:

On 3/16/2022 what was your duty assignment and how long have you held this assignment? Briefly describe your overall duties for that time.

05. ANSWER:

I was assigned to Criminal Interdiction Unit. I started in the unit 05/01/2021 and was there until 07/2022. My duties included looking for human smuggling, drug smuggling, weapon smuggling, money laundering, and other criminal activities utilizing motor vehicle criminal interdiction tactics with the training I received.

A handwritten signature in blue ink, appearing to be "J. B. Bates", is written over a horizontal line.



6. Question:

What training did you receive related for this position?

6. ANSWER:

I've attended the Motor Vehicle Criminal Interdiction Conference and a DEA Interdiction Conference. I have also attended numerous classes, a few of which are:

720 Interdiction:

720 Concealment - The course is split up into numerous vehicle concealment classes that breaks down how to search different parts of the vehicle for loads. For example, there is a 4 hour section focusing on dashboards and floorboards. The sections cover bumper-to-bumper searches. I've attended these courses numerous times both in person and online.

Unmasking The Truth - Class on behavioral analysis and the ability to find deceptive behaviors in people. And, how to get a comparison utilizing baseline questioning such as inquiring names, place of residence, etc.

Dessert Snow:

40 hour course on highway interdiction that also covers hands-on training with vehicle concealment and behavioral analysis. During the course, we practiced taking apart vehicles to find contraband.

Triple I Solution: Courses both online and in person.

Smugglers Inc and Smugglers Inc 2.0. Both courses cover behavioral analysis and how to recognize the trade craft of smuggling.

Evading Honesty - Course to detect deception.

Street Cop Training:

- 1) Active Patrol Tactics, 2) Deceptive Behaviors and Hidden Compartments, 3) Drug Identification, Paraphernalia, and Motor Vehicle Stop, 4) Identifying Criminal Vehicles and Occupants, 5) and Interdiction Mastermind.

Highway Interdiction Training Specialists (HITS):

Roadside Interview Techniques for Patrol Officers, and Vehicle Contraband Concealment Course

Drug Interdiction Assistance Program (DIAP):

Commercial Motor Vehicle Interdiction - Course through USDOT.



Bexar County Sheriff's Office

☆☆☆☆ Sheriff Javier Salazar ☆☆☆☆

07. Question:

On 3/16/23 at approximately 1115 hours, you conducted a traffic stop of a truck bearing the Texas LP-LJR4135 operated by Alek Schott. Please explain why you pulled this vehicle over.

07. ANSWER:

I had received a call from another Interdiction Officer who I believe worked with Laredo Fusion Center. He stated there was a vehicle that did a one-day turn around. He stated that the vehicle had departed San Antonio early morning and went to Carrizo Springs with a female passenger, and was already en route back from Carrizo Springs. The Interdiction Officers with the Fusion Centers regularly track license plates and monitor travel patterns due to the large amount of human smuggling. He also stated that the female was no longer with the male driver. With my training and experience, I knew this to be an irregular travel pattern. I identified the license plate of his vehicle and observed him crossing over the fog line. I utilized the probable cause (failure to maintain lane) to conduct a traffic stop. It is not irregular for Interdiction Officers to correspond with one another regarding these irregular travel patterns. In the event there is no traffic violation, or probable cause to conduct a traffic stop, we communicate with one another that we observed the vehicle and it is now entering into the next jurisdiction. This method has led to many human smugglers being caught.

08. Question:

You wrote a report regarding this traffic stop on 3/18/22, 2 days after the traffic stop in question. Do you typically submit traffic stop reports with no case number? If no, explain why one was written for BCSO-2022-0082748.

08. ANSWER:

No, he was released with a warning and I do not typically submit traffic stop reports in situations such as that. I wrote the report because Mr. Schott had questioned whether or not the stop was going to be documented as he was closing his tailgate so I had an inclination that he was going to make a complaint. Because of that I felt the need to document the stop.

09. Question:

On 4/12/22, you added an action entry stating your dash cam was inoperable. Could you please be more specific as to what inoperable means in this context and explain? Have you had previous issues with your equipment?

09. ANSWER:

I documented in my original report that I had mistakenly not activated my Axon cameras. I do not recall doing the supplemental report a month later stating that the camera was inoperable, but I recall that I had forgotten to activate the camera. I assume that by "inoperable" I meant the camera was not in operation, which is what I originally stated in my report.



10. Question:

Reviewing your call history associated with Deputy Molina and his K9 over a 3 month period, I observed that the K9 had several positive alerts with no contraband found. Where you aware of this K9's inconsistent performance?

10. ANSWER:

No, I disagree that his performance was inconsistent. The K9 has been utilized in numerous federal cases where large amounts of contraband have been found.

When we do Interdiction stops, we are on the side of the highway/road and we are unable to take apart the vehicle to do a deep search. The drugs are not always visible to the human eye and are often hidden in compartments. We would have to take the vehicle somewhere we can utilize a lift and take the vehicle apart. Unfortunately we do not have the means to do so with Bexar County.

11. Question:

Were you intentionally requesting Deputy Molina and his K9 for "easy" probable cause to search vehicles?

11. ANSWER:

No, absolutely not. Deputy Molina was the K9 handler on the same shift as me. And, he is the handler that is primarily used by organized crimes/ special operations units.

12. Question:

While you were in that assignment, approximately how many traffic stops have you conducted? Of those, approximately how many of those stops where you assisted by Deputy Molina and his K9?

12. ANSWER:

I conducted hundreds of traffic stops while assigned to the Criminal Interdiction Unit. Deputy Molina and his K9 assisted me in a lot of these stops because they were on shift at the same time as me.

13. Question:

Have you ever conducted a traffic stop with the assistance of Deputy Molina and his K9 that had a positive alert and contraband found? If so, approximately how many? Please provide some details.

13. ANSWER:

Yes, numerous times. I don't have a number, but we did find contraband numerous times. I recall an instance where we found a backpack full of THC oil and Marijuana from a dealer.



14. Question:

On this same traffic stop you reported you pulled the truck over for crossing over the fog line. When and where did you observe this traffic violation?

14. ANSWER:

Prior to pulling out behind Mr. Schott, I observed him Failing to Maintain Lane by crossing over the fog line.

15. Question:

Please explain why Mr. Schott was placed in the front seat without cuffs.

15. ANSWER:

Mr. Schott was removed from his vehicle because when asked if he had a firearm, he stated "I don't think so, there shouldn't be." In my experience, the general motoring public does not answer this question this way because they know what is in their vehicle. At this point, I requested Mr. Schott to step out of the vehicle. I placed him in my vehicle after conducting a consensual Terry frisk, as it was an Interdiction style traffic stop. Through training and experience, this is the tactic used in Criminal Interdiction. The reason behind this tactic is the "Fight, Flight, and Freeze Response" which was taught throughout my training. This is taught as the safest way to do the job. Because we are able to set our BWC on the dashboard, Criminal Interdiction interviews are mostly conducted inside the vehicle to capture the interaction and body language of the individual. We are also taught to build rapport through conversations while writing the warning report.

16. Question:

According to your BWC, I observed you exiting the vehicle while Mr. Schott was not restrained, and your vehicle was still running. Please explain why Mr. Schott was left alone in your vehicle.

16. ANSWER:

Mr. Schott was left alone in my vehicle for short periods of time. Mr. Schott was already terry frisked and did not have weapons on his person. Since I was only doing Interdiction stops and often had individuals in the passenger seat, I always assured that there was nothing in the front seat of my vehicle within the individuals reach. And, with the computer in the middle of the driver and passenger seat, it would have been extremely difficult for Mr. Schott to climb into the driver's seat. This is done in my trainings and had never been critiqued. I remained within a reactionary distance if Mr. Schott attempted to climb into the driver's seat and I would have been able to act appropriately.

A handwritten signature in blue ink, appearing to be 'J. Salazar', is written over a horizontal line.



17. Question:

During this stop, you mention to Mr. Schott, "9 out of 10 times this is how it goes." What did you mean by that?

17. ANSWER:

This is common verbiage for me and was not meant in literal terms. We are taught to build rapport and speak to the individual in a manner that will relax them. Ultimately, I did not want him to feel like a criminal because of the process and stated that in an attempt to make him feel at ease. It is true that we do not always find contraband, for reasons stated above in answer 10.

16. Question:

Where do you normally work your assignments and why those areas during this time frame?

16. ANSWER:

All major highways and interstates. The reason I was working on Highway 35 during that time frame was due to the increase in human smuggling.

17. Question:

Is there anything you have observed that could possibly prevent incidents such as this from occurring in the future?

17. ANSWER:

Stick to reactive police work and refrain from proactive patrol tactics.

18. Question:

Is there any relevant information you would like to add that has not been addressed by this document?

18. ANSWER:

I was aware that this complaint was made to Internal Affairs in March 2022 and I was advised that the case was closed with no policy violations founded.

Before the end of the stop, I asked Mr. Schott to inspect his vehicle for any damages before he left.

Mr. Schott had "aftermarket" compartments that he added to the vehicle, which is uncommon to see. Mr. Schott had to assist me in opening the compartments because I was unable to do so.

I had advised Mr. Schott that the reason I pulled him over was because he was drifting over the fog lanes. Mr. Schott stated "I'm really sorry for that."

SB



Bexar County Sheriff's Office

★★★★ Sheriff Javier Salazar ★★★★★

"I have read and sworn under penalty of law that the contents of this report that I have submitted are true and correct."



Officer's Signature

Subscribed and sworn to before me, SGT Victor Perez #260, a Peace Officer of the State of Texas and pursuant to Sec. 602.002 Texas Government Code on this the 21st day of September, A.D. 2023.



Internal Affairs Investigator



Bexar County Sheriff's Office ★ ★ ★ ★ Sheriff Javier Salazar ★ ★ ★ ★

Internal Affairs Section **Acknowledgment of Documents Reviewed**

To: Deputy Joel Babb #38552

Date: 1/17/2024

In accordance with the Collective Bargaining Agreement, Article 19 Discipline/Investigations, Section 4 (C), a Deputy under investigation is allowed to review certain documents at the time the Deputy is providing a response to allegations presented to him by the Internal Affairs Section.

Accordingly, the following lists of documents were reviewed by the Deputy prior to responding to the allegation(s)—Initial each line item in the column on the left:

| <u>Title of Document</u> | <u>Prepared By</u> | <u>Date of Document</u> |
|---|-------------------------|-------------------------|
| SB Order to Report, Order of Confidentiality, Notification of Allegations | Sgt. Victor Perez | 9/14/23 |
| SB Request for Investigation: Deputy Babb | Asst. Chief Maria Garza | 6/12/23 |
| SB IA Case Closed 2022-IAD-0209 w/ Correspondence | Sgt. Marta Rodriguez | 6/2/22 |
| SB Staff Photo: Deputy Babb | Sgt. Victor Perez | 9/21/23 |
| SB Incident Detail Report and Spears Report BCSO-2022-0082748 | Sgt. Victor Perez | 6/20/23 |
| SB Addition Reports Jan-Mar 2022 5I12 and 5K18 (7) | Sgt. Victor Perez | 6/20/23 |
| SB Dash cam Log (PDF) Email Correspondence Cpt. Von Muldau | Capt. Aaron Von Muldau | 9/21/23 |
| SB Body Worn Camera Deputy Babb and Deputy Molina | Sgt. Victor Perez | 6/21/23 |
| SB Vigilant Printout LJR4135 3/15/22 3/16/22 | Sgt. Victor Perez | 9/20/23 |
| SB Social Media Posting of Incident Alek Schott (2) | Sgt. Roger Barnett | 9/21/23 |
| SB Internet news posting of incident (2) | Laura Milam | 6/16/23 |
| SB Statement from Deputy Gereb | Sgt. Melanie Bowser | 1/12/23 |
| SB Statement from Deputy Molina | Sgt. Melanie Bowser | 1/12/23 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

The Officer's signature below provides proof of the documents reviewed by the Officer.

Deputy's Signature

Date and Time

Internal Affairs Investigator's Signature

Date and Time

★★★★★ Sheriff Javier Salazar ★★★★★

DEF BATES BC 008330



Bexar County Sheriff's Office

★★★★★ Sheriff Javier Salazar ★★★★★

Internal Affairs Section Legal Counsel of BCSO Personnel

Legal counsel of the Bexar County Sheriff's Office employee specified below is hereby acknowledged pursuant to the following:

Internal Affairs Case Number:
PIU Case Number (if applicable):
Subject BCSO Employee:

2023-1A-0228

Attorney at Law:

☐ Disciplinary



Internal Affairs

☐ Criminal

Analisa Wongkha

Name

CLEAT

Organization or Firm

09/21/23

Date

Witness

Attorney at Law:

☐ Disciplinary

☐ Internal Affairs

☐ Criminal

Name

Organization or Firm

Date

Witness

Attorney at Law:

☐ Disciplinary

☐ Internal Affairs

☐ Criminal

Name

Organization or Firm

Date

Witness

Integrity | Fairness | Leadership | Professionalism

200 North Central | Bexar County Sheriff's Office | 78200
DEF DATES BC 008331
Office: (210) 335-6010 | Emergency: 911 | Fax: (210) 335-6019



Bexar County Sheriff's Office

★★★★★ Sheriff Javier Salazar ★★★★★

Internal Affairs Section

Request for a Copy of Statement or Report Made Under the Protection of

GARRITY vs. NEW JERSEY

I, Joel Babb, hereby request a copy of my statement/report which I made to the Bexar County Sheriff's Office Internal Affairs Section on 09/21/23 under the protection of the "**Garrity**" case.

I make this request pursuant to the Texas Open Records Act. In making this request, I have been advised that **should I publish or fail to maintain the security** of my copy of my statement/report, the protection afforded under the "**Garrity**" doctrine may be jeopardized or compromised. In such an event, I hold the Bexar County Sheriff's Office harmless from any actions, civil or criminal, which might result from my publication of said report or failure to maintain the security of said report.

[Signature]
Requestor

09/21/23
Date

~~~~~  
~~~~~

Date Report furnished to Requestor: _____

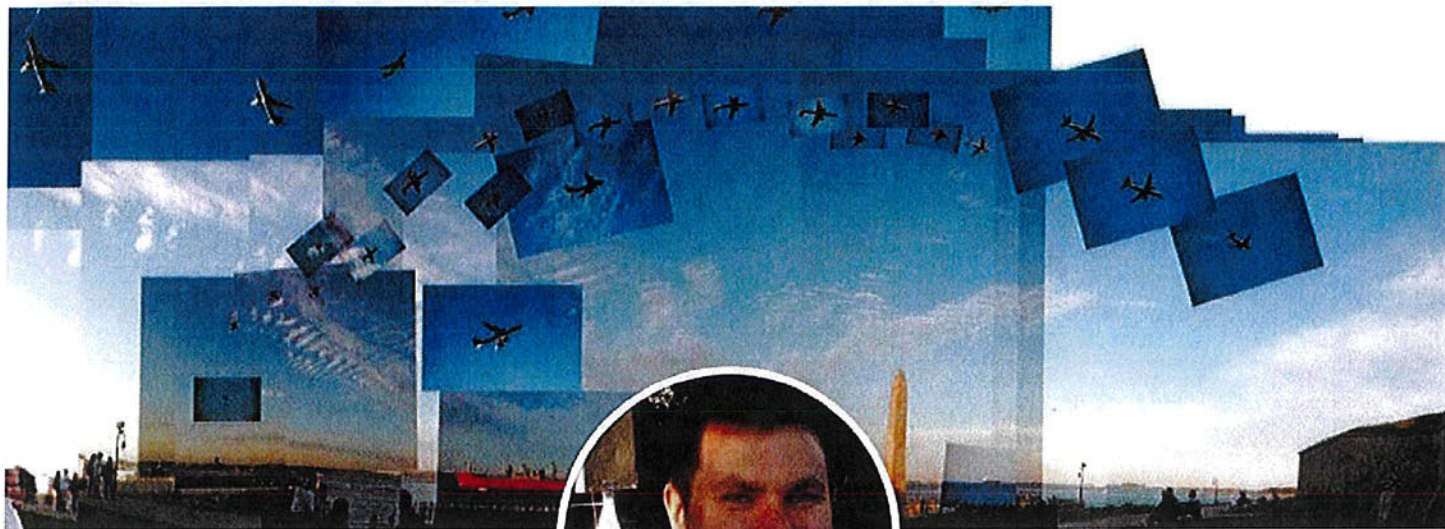
[Signature]
Acknowledgement of Receipt (SIGN)

[Signature]
WITNESS

09/21/23
Date

Integrity | Fairness | Leadership | Professionalism

200 North Central | San Antonio, Texas 78201 | 200 N. Central | Bexar County Sheriff's Office
Office: (210) 335-6010 | Emergency: 911 | Fax: (210) 335-6019
DEF DATES BC008332



Alek Schott

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[Check-ins](#)

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Intro

Photos

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Posts

[Filters](#)



Alek Schott

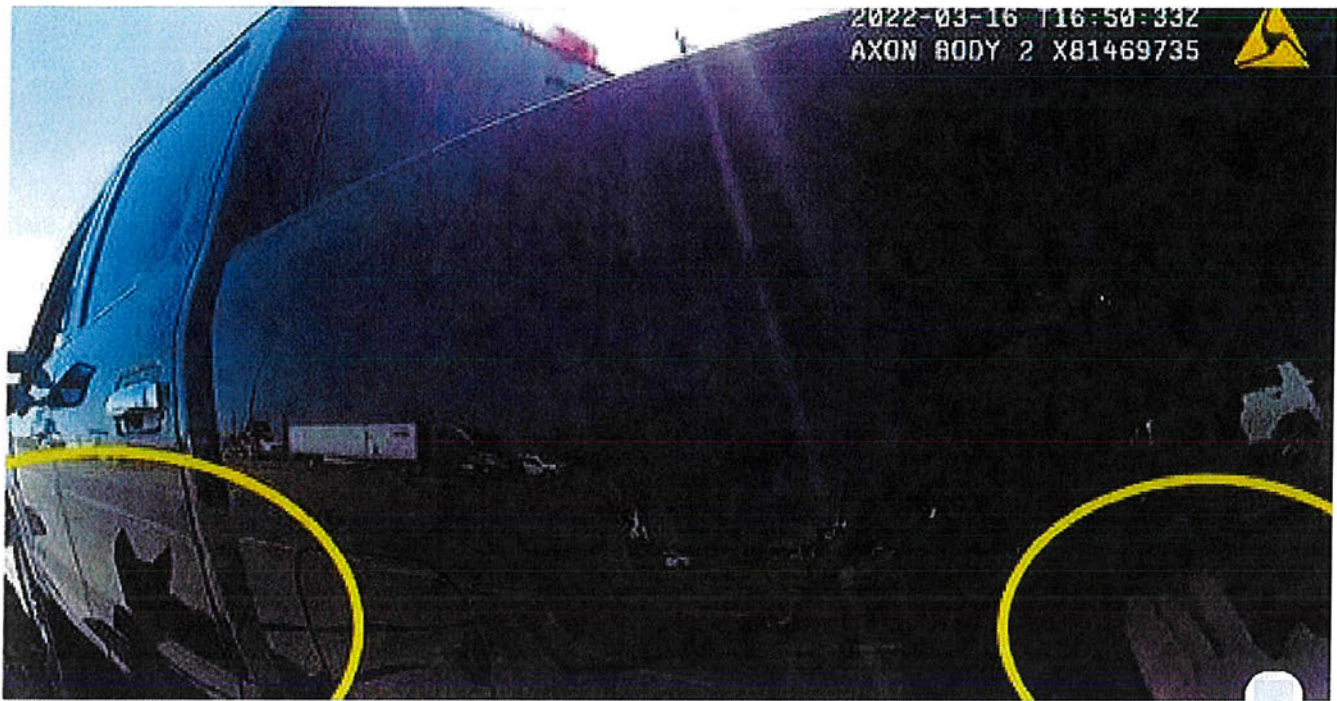
June 8 · 🌐

DEF BATES BC 008333





by their handlers and can not be trusted as evidence.



NPR.ORG

Courts have long seen K-9 dogs as impartial. Now police bodycams hold them accountable

18

4 comments

Like

Comment

Share

View more comments



Billy Smith

Hi I have read your profile and posts and think you are a very interesting person and I don't want to send you friend requests without your permission so please send me a friend request if you don't mind or private message me!

Like Reply 8w



Write a comment...



Alek Schott

June 6 · 🌐

Last March, while returning home from a customer site in South Texas, I was stopped by a police officer from the [Bexar County Sheriff's Office](#) for "drifting over the fog line pretty hard" (this was a false allegation).

I was removed from my vehicle, detained for an hour, and had my truck searched after telling the officer I didn't give consent for a search.

DEF BATES BC 008334



This is my story.



IJ.ORG

Texas Traffic Stop - Institute for Justice

Alek Schott partnered with the Institute for Justice (IJ) to announce a federal lawsuit against Be...

👍😮 56

19 comments 8 shares

Like

Comment

Share



Alek Schott updated his cover photo.

January 24, 2012 · 🌐

...





2



Share

*** * * DL IS ELIGIBLE | EXPIRES: 03282030 * * ***

SEARCH ON SCHOTT,ALEK,19860328

NAME: SCHOTT, ALEK, JOSEPH

DESCRIPTION: WHITE\MALE\03281986\6-01\190\BROWN\GREEN

SEX OFF: N COMM IMPED: N ORGAN DONOR: Y VISA EXP: .

PHYSICAL ADD: 1619 CAMBRIDGE OAKS CIR

CI/CO/ST/ZIP: HOUSTON,HARRIS,TEXAS,77094, UNITED STATES

MAILING ADD: 1619 CAMBRIDGE OAKS CIR

CI/ST/ZIP: HOUSTON,TEXAS,77094, UNITED STATES

REC STATUS: ELIGIBLE

ADMIN STATUS:

CARD STATUS:

HME THR ASMT:

EXP:

CARD TYPE: DL #: 11974520 CLASS: C TYPE: DL EXPIR DATE: 03282030

RESTRICTIONS:

ENDORSEMENTS:

CONVICTION: DRIVING SAFETY COURSE

OFF DT: 04072018 CONV DT: 04132018

OFFENSE LOC: TX,HOUSTON CMV: N HAZMAT: N

CONVICTION: SPEEDING EQUAL TO OR GREATER THAN 10% ABOVE POSTED LIMIT

OFF DT: 02082013 CONV DT: 02192013

OFFENSE LOC: TX,HOUSTON CMV: N HAZMAT: N

CONVICTION: DRIVING SAFETY COURSE

OFF DT: 08112012 CONV DT: 08262012

OFFENSE LOC: TX,HARRIS CMV: N HAZMAT: N

CONVICTION: DRIVING SAFETY COURSE

OFF DT: 11112010 CONV DT: 11132010

OFFENSE LOC: TX,WILMER CMV: N HAZMAT: N

CONVICTION: SPEEDING EQUAL TO OR GREATER THAN 10% ABOVE POSTED LIMIT

OFF DT: 11202007 CONV DT: 12032007

OFFENSE LOC: TX,ROBERTSON CMV: N HAZMAT: N

CONVICTION: SPEEDING

OFF DT: 07132005 CONV DT: 07252005

OFFENSE LOC: TX,HARRIS CMV: N HAZMAT: N

CONVICTION: SPEEDING

OFF DT: 05072005 CONV DT: 06032005

OFFENSE LOC: TX,KOSSE CMV: N HAZMAT: N

CONVICTION: DRIVING SAFETY COURSE

OFF DT: 05092004 CONV DT: 08232004

OFFENSE LOC: TX,HARRIS CMV: N HAZMAT: N

DEF BATES BC 008337

EMERGENCY CONTACT INFORMATION

FIRST NAME: AMANDA

LAST NAME: SCHOTT

PHONE: 832-477-4509 EXT 0

ALT PHONE: EXT 0

FIRST NAME: VIVIAN

LAST NAME: SCHOTT

PHONE: 281-770-4520 EXT 0

ALT PHONE: EXT 0

**** DRIVER RECORD INFORMATION IS PERSONAL INFORMATION PROTECTED
UNDER THE
FEDERAL DRIVER PRIVACY ACT OF 1994 (18 USC 2721, ET SEQ.) AS AMENDED
AND THE
MOTOR VEHICLE RECORDS DISCLOSURE ACT, TEXAS TRANSPORTATION CODE 730

***** END OF RECORD*****

MRI: 66683174 IN: NDLS 59516 AT 21SEP2023 09:49:28

OUT: SDX1 11431 AT 21SEP2023 09:49:28

Matches Found: 2

| TIMESTAMP ID | JURISDICTION NAME | UNIT | CAD |
|----------------------------------|------------------------------|------|-----|
| 2022-03-18 15:21:20 BCLE38552 | BCLE Personnel BABB, JOEL | 5i12 | |
| 2022-03-16 11:17:32 BCLE38552 | BCLE Personnel BABB, JOEL | 5i12 | |

DEF BATES BC 008339



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NATIONAL

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Courts have long seen K-9 dogs as impartial. Now police bodycams hold them accountable

June 8, 2023 · 5:01 AM ET

Heard on All Things Considered



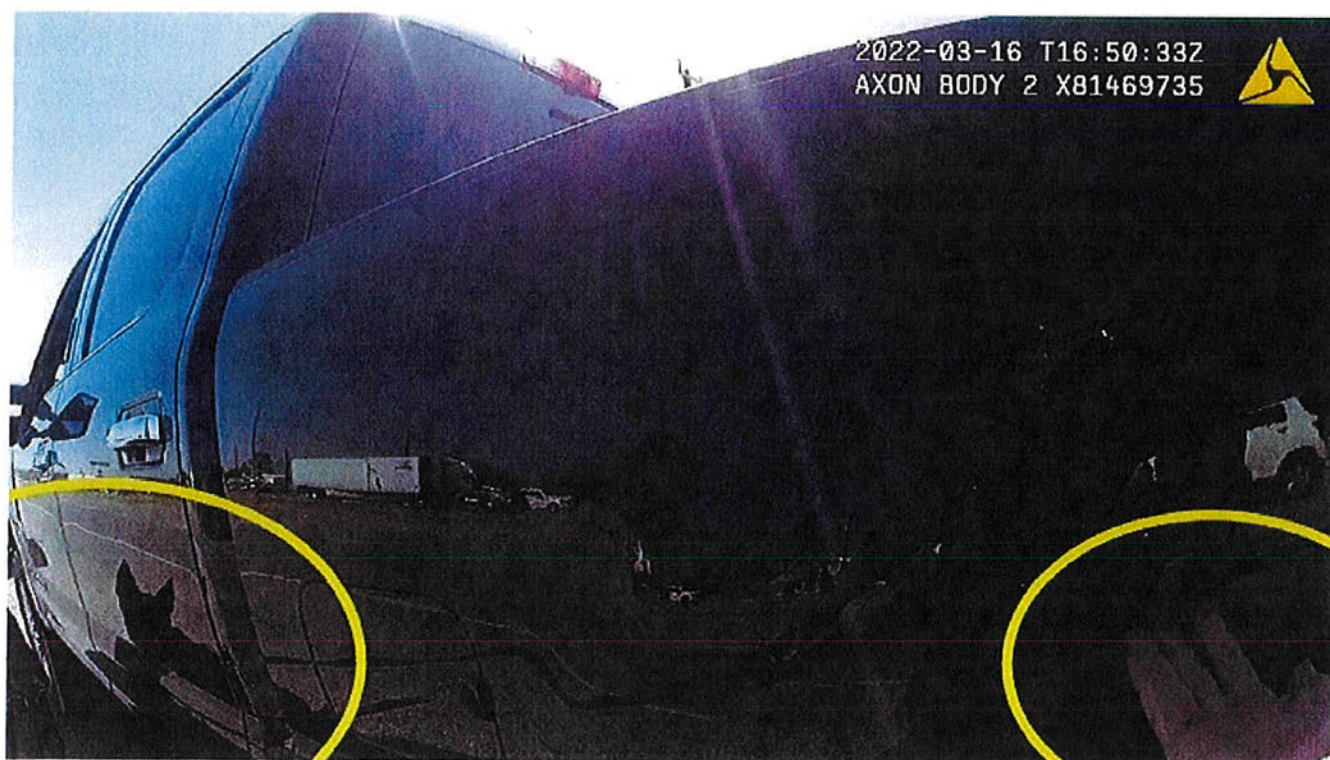
Martin Kaste

[4-Minute Listen](#)

[PLAYLIST](#)

[Download](#)

[Transcript](#)



The moment a Bexar County Sheriff's Deputy is accused of "cueing" his drug-sniffing dog to alert on Alek Schott's pickup truck.

Bexar County Sheriff's Office body camera video

DEF BATES BC 008340

For decades, American courts have had to take it on faith that drug-sniffing dogs were impartial. Testimony by a dog's handler, along with training records and credentialing by a local K-9 organization, were usually enough. But the recent spread of body cameras now threatens to upend that faith.

A newly filed federal lawsuit in Texas shows cameras' potential to undermine K-9 unit legitimacy. Houston resident Alek Schott accuses Bexar County Sheriff's deputy Joel Babb of pulling him over on Interstate 35 on false pretenses, and then, when he refused to give permission to search his pickup truck, he says K-9 unit deputy Martin A. Molina III prompted his dog to "alert" to the scent of drugs.

K-9 Search Bexar County



K-9 handler body camera video from Bexar County, Texas. At approximately 1:00, the deputy's right hand is seen in the corner of the screen, gesturing. Alek Schott is suing the sheriff's office, saying that gesture prompted the dog to jump on the door, giving deputies the right to open the truck and search inside. No drugs were found.

YouTube

"These guys are trying to destroy my life"

Historically, that claim would have been nearly impossible to prove. But in this case, Schott requested and received the officers' body camera footage, giving him almost the

DEF BATES BC 008341

same view the K-9 handler had — including the moment the handler's right hand made a gesture toward the attentive dog, which then jumped up on the pickup's door.

"It's clear to me that he's telling the dog to alert," Schott says. "I thought, 'These guys are trying to destroy my life.' "

Sponsor Message



ANIMALS

Bomb-sniffing dogs are in short supply across the U.S.

No drugs were found in Schott's pickup, and the county later reimbursed him for damage done during the search — including dog scratches outside and inside the truck. The sheriff's office would not comment to NPR on the case, citing "pending litigation."



LAW

Should The Police Control Their Own Body Camera Footage?

Thirty-seven-year-old Schott, who works for his father's company supplying the oil and gas industry, is represented by Christie Hebert, an attorney with the Institute for Justice, a civil liberties organization focused on search and seizure. She says they're

DEF BATES BC 008342

pursuing the lawsuit because they believe the deputies violated Schott's rights — and did so in part by relying on the dog.

"You think of a dog as not having an agenda," Hebert says. "But the fact is, they're influenced by their handlers' agenda and they want to please their masters."



Alek Schott and the pickup searched — and scratched up — by a Bexar County Sheriff's Office K-9 team. He believes the search was conducted under false pretenses and is suing in federal court.

Martin Kaste

That's long been a nagging doubt about drug-sniffing dogs: that handlers might influence them to alert to a scent that may not be there. Research has shown handlers may not even realize they're doing it. Some K-9 trainers have called for "double-blind" testing of the dogs, in which the location and existence of test drugs are randomized, unknown even to the dog's handler. But that approach has been slow to catch on, and is often met with hostility.



The recent spread of police body cameras now threatens to upend the faith American courts long held in K-9 units.

MediaNews Group/Los Angeles Dail/MediaNews Group via Getty Images

"That appears to be a cue of some sort that he gives the dog"

Former K-9 officer and trainer Andy Falco hopes the spread of body cameras will change that.

Sponsor Message

DEF BATES BC 008344

"I think it's good for the K-9 units that these things are out there," he says of cameras. "It'll make them train harder, and perhaps even some of them that weren't doing double-blind sniffs will start doing double-blind sniffs!"

Falco works as an expert witness in cases involving sniffer dogs, and he says the number of legal challenges based on close-up video has exploded. Most cases involve cameras, now, and close-up reviews of every gesture and move of handlers and dogs. In one case he worked on, the Idaho Supreme Court threw out a drug conviction because it decided the K-9 "trespassed" on a vehicle with its paw — a degree of after-the-fact scrutiny that would have been impossible before body cameras.

And when Falco is shown the video from Bexar County, he sees why Schott is suing. "The right hand facing up, and then moving it upward — that is the command to sit. There's not any reason why he would be doing it where he's doing it, so it is out of place," he says. "That appears to be a cue of some sort that he gives the dog."

Other K-9 trainers say the video isn't a slam-dunk, and that there could be innocent explanations for the gesture. But one thing is clear to them: going forward, K-9 units should expect their every move and gesture could come under review after the search is over.

drug-sniffing dogs police body cam k-9 police

Daily Caller - <https://dailycaller.com>

US

'Trying To Destroy My Life': Man Accuses Deputy Of Prompting K-9 To Make False Drug Alert



Image not from story Photo by SANDY HUFFAKER/AFP via Getty Images)

LORENZO PRIETO
CONTRIBUTOR

June 08, 2023
9:54 PM ET

FONT SIZE: **+** **-**

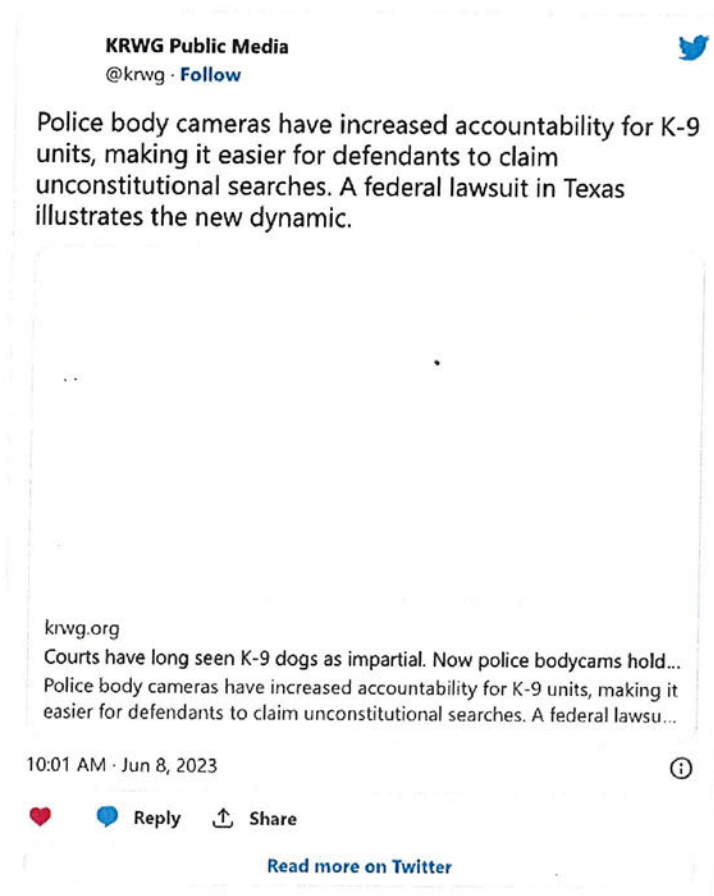
A resident of Houston, Texas, filed a lawsuit against a deputy for allegedly falsely instructing his dog to "alert" the presence of drugs, according to NPR.

Alek Schott accused Bexar County Sheriff's deputy Joel Babb of stopping him at 35 under false claims. Later, after refusing to show the inside of his pickup truck, deputy Martin A. Molina III allegedly prompted his dog to falsely "alert" the smell of drugs, according to NPR. **(RELATED: Florida Man Who Killed Police K-9 Sentenced to 30 Years)**

DEF BATES BC 008346

1
2
3

"It's clear to me that he's telling the dog to alert," Schott said. "I thought, 'These guys are trying to destroy my life.'"




Christie Hebert, Schott's attorney, believes that deputies infringed Schott's rights and they might have influenced the **dog** to do so. "You think of a dog as not having an agenda," Hebert explained. "But the fact is, they're influenced by their handlers' agenda and they want to please their masters."

Researchers have questioned the extent to which K-9 dogs are influenced by their handlers to follow a scent that may not even be present, the outlet noted.

Former K-9 officer and trainer Andy Falco expressed his hope that by showing the footage, K-9 trainers would become more severe and impartial when training their dogs. "I think it's good for the K-9 units that these things are out there," Falco said. "It'll make them train harder, and perhaps even some of them that weren't doing double-blind sniffs will start doing double-blind sniffs!"

Conversation 3 Comments

 Log in Sign up

What do you think?





Sort by Best ▾

Sam Easy

...

9 June, 2023

The cops use "I smell weed" as a probable cause for a search then the dogs will do whatever the handler has taught them. Maybe a snap of the fingers, a word, a gesture... the dog obeys.



Reply ▾  5  Share

ac **Big Crow**

...

9 June, 2023

yeah, the Supreme Court ruled the old "i smell weed" farce to be illegal. They can say it, but it's not a basis for a search - your reply might be though. Say nothing. This guy has a point that for a Scooby snack the dog may well be trying to please the handler.



Reply ▾  3  Share

JG **Joe Greenwell**

...

9 June, 2023

Didn't answer the question did they find drugs in his pickup?

Reply ▾  1  Share

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Popular in the Community

DEF BATES BC 008348



Bexar County Sheriff's Office

★★★★★ Sheriff Javier Salazar ★★★★★

Internal Affairs Section Case Closed

Case Number: 2022-IAD-0209

Investigator: Sgt. Marta Rodriguez #4275

- ☐ Case closed due to non-cooperation of Complainants
- ☐ Case closed due to lack of Complainants
- ☐ Case closed pending future information and reopening
- ☐ Complainant picked up packet but never returned
- ☐ Case closed due to an Administrative Order
- ☒ Case closed due to the explanation below:

Date Closed: June 2, 2022

Explanation: I reviewed the dash cam that was provided by C and I did not see any damage to C's vehicle. When I reviewed Deputy Babb's body worn camera (BWC) I did not see any policy violations. He told C why he stopped C immediately when he walked up to C's vehicle. When K9 Deputy Molina arrived he even asked C for consent to run his K9 and C agreed. No policy violations were viewed through BWC. I advised C through email if you would like to see the BWC feel free to request it through our open records email: openrecords@bexar.org

Sgt. Gamboa also spoke to C for about 2.5 hours and was not satisfied.

Case Closed.

EB 1101

Integrity | Fairness | Leadership | Professionalism

200 North Central Expressway, Suite 8200, San Antonio, Texas 78207
Office: (210) 335-6010 | Emergency: 911 | Fax: (210) 335-6019

DEF BATES BC 008049

INTERNAL AFFAIRS UNIT**CITIZEN CONTACT SHEET**

| | | | | | |
|--|----------------|------------------------|---------------------|---|--|
| Date 03/18/22 | | Time | | Received By: Laura Milam | |
| Complainant's Name: Alex Schott | | DOB: | | Address | |
| Date/Time of Occurrence 3/16/22 | | Location | | | |
| Home | | Work | | Cell 281-734-5061 | |
| Subject's Name | Badge # | Employee Number | Date of Hire | Division | |

NATURE OF COMPLAINT: Deputies allegedly illegally searched and detained complainant and damaged his vehicle in the process.

4/12 @ 1024am - called C. Nig. cont. y/m

4/12 @ 1142am - called C back.

Baby 1604

- Has DASH CAM in vehicle.

BCSD - 3rd party Adjuster

DEF BATES BC 008350

Rodriguez, Marta

From: Alek Schott <alekschott@gmail.com>
Sent: Thursday, June 2, 2022 10:09 AM
To: Rodriguez, Marta
Subject: Re: dash cam req

NOTICE:

This email originated from an EXTERNAL email address outside of bexar.org. Please use caution when clicking links or opening attachments from email senders that you do not know.
If you feel it is suspicious, please send this email as an attachment to BCERT@bexar.org

Thanks Marta

The primary issue is that there was no probable cause to pull me over. I did not cross the fog line and this was an excuse for harassment. His reasoning was false. I believe this footage was reviewed by your chief when they paid my damage claim of \$7,000. Your open records group has failed to provide the requested information after several months or offer any replies in violation with state requirements.

Alek Schott
281 734 5061

On Thu, Jun 2, 2022 at 9:43 AM Rodriguez, Marta <Marta.Rodriguez@bexar.org> wrote:
Alek,

I reviewed your dash cam that you provided and I did not see any damage to your vehicle. When I reviewed Deputy Babb's body worn camera (BWC) I did not see any policy violations. He told you why he stopped you immediately when he walked up to your vehicle. When K9 Deputy Molina arrived he even asked you for consent to run his K9 and you agreed. No policy violations were viewed through BWC. If you would like to see the BWC feel free to request it through our open records email:

OpenRecords@bexar.org

From: Alek Schott <alekschott@gmail.com>
Sent: Wednesday, May 11, 2022 3:15 PM
To: Rodriguez, Marta <Marta.Rodriguez@bexar.org>
Subject: Re: dash cam req

Alex Schott
281-734-5061

3-18-22

3-16-22

Warning # E00000000751992

Illegal Search & detainment
w/o cause

Traffic Stop w/o Cause

Damaged my vehicle.

Has dash cam in vehicle.

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If you feel it is suspicious, please send this email as an attachment to BCERT@bexar.org

Marta

Were you able to identify probable cause for the officer to pull me over, remove me from my vehicle and detain me while searching my vehicle?

Alek Schott

281 734 5061

On Fri, Apr 22, 2022 at 4:24 PM Alek Schott <alekschott@gmail.com> wrote:

Footage during the stop attached in the link below,

<https://photos.app.goo.gl/PU7tR6pfDr8dWnhH8>

Alek Schott

281 734 5061

On Fri, Apr 22, 2022, 4:21 PM Rodriguez, Marta <Marta.Rodriguez@bexar.org> wrote:

Can you send me the dash video you have

Sent from my iPhone

On Apr 22, 2022, at 2:20 PM, Alek Schott <alekschott@gmail.com> wrote:

NOTICE:

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If you feel it is suspicious, please send this email as an attachment to BCERT@bexar.org

Hi Marta

Can you confirm the disposition or status of my formal complaint?

Alek Schott

281 734 5061

On Tue, Apr 12, 2022 at 6:04 PM Alek Schott <alekschott@gmail.com> wrote:

Marta

A sergeant just called me after being notified today from IA. I asked if removing someone from their vehicle is standard practice and he said "not for me". I asked if placing people in the front of their police vehicles while running their ID is standard practice and she said "not for me". He claimed I wasn't being detained even though the officer was withholding my drivers license and warning paperwork while forcing me to wait for a drug dog without probable cause. He said I should have "just left without my license if I wanted to go and not wait for the dog".

He kept talking in circles saying he could see the violation from the body cam (even though it was inside his patrol car facing him).

Told me to file a lawsuit if I have any additional concerns with how they conduct business.

Sergeant then laughed at me and put me on hold for an extended amount of time just to pick up and say "are you there?" then put me back on hold in hopes that I would hang up. He later joined after leaving me on hold and had no sufficient evidence for a stop, no sufficient reason to detain me to wait for a drug dog, and told me to challenge your department in court.

Alek Schott

281 734 5061

On Tue, Apr 12, 2022 at 11:49 AM Rodriguez, Marta <Marta.Rodriguez@bexar.org> wrote:

Sgt. Marta Rodriguez #4275

Bexar County Sheriff's Office

Internal Affairs

126 E. Nueva Street, B1

San Antonio, Tx 78204

210-335-6726 desk

210-214-5058 cell

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--

Thanks!

Alek Schott

--

Thanks!

Alek Schott

--

Thanks!

Alek Schott

--

Thanks!

Alek Schott

Incident Detail Report

Data Source: Data Warehouse
 Incident Status: Closed
 Incident number: BCSO-2022-0082748
 Case Numbers:
 Incident Date: 3/16/2022 11:15:08
 Report Generated: 6/12/2023 12:41:28

Incident Information

Incident Type: 1
 Priority: 00
 Determinant:
 Base Response#:
 Confirmation#:
 Taken By: Babb, Joel
 Response Area: C30
 Disposition: Warning Issued
 Cancel Reason:
 Incident Status: Closed
 Certification:
 Longitude: 98724814

Alarm Level:
 Problem: Traffic Stop
 Agency: BCLE
 Jurisdiction: BCSO
 Division: CHARLIE
 Battalion: CHARLIE
 Response Plan: C30 (1 Officer)
 Command Ch:
 Primary TAC:
 Secondary TAC:
 Delay Reason (if any):
 Latitude: 29256242

Incident Location

Location Name:
 Address: IH 35 S NB
 Apartment:
 Building:
 City, State, Zip: UBC TX 78002

County: BEXAR
 Location Type:
 Cross Street: SHEPHERD RD/NB IH 35 S OFRP
 SHEPHERD RD
 Map Reference: 711F6

Supplemental Information - Person

PERSON 1

Name: schott alek

DOB: 03/28/1986

Supplemental Information - Vehicle

VEHICLE 1

License: ljr4135 - TX

Call Receipt

Caller Name:
 Method Received:
 Caller Type:
 Caller Address:
 Caller Building:
 Caller City, State, Zip:

Call Back Phone:
 Caller Location:
 Caller Location Phone:
 Caller Apartment:
 Caller County:

Time Stamps

| Description | Date | Time | User | Elapsed Times | Description | Time |
|----------------------|-----------|----------|------------|---------------|-----------------------------|-----------|
| Phone Pickup | 3/16/2022 | 11:15:08 | | | | |
| 1st Key Stroke | 3/16/2022 | 11:15:08 | | | | |
| In Waiting Queue | 3/16/2022 | 11:15:07 | | | | |
| Call Taking Complete | 3/16/2022 | 11:15:08 | Babb, Joel | | Received to In Queue | |
| 1st Unit Assigned | 3/16/2022 | 11:15:07 | | | Call Taking | |
| 1st Unit Enroute | 3/16/2022 | 11:15:07 | | | In Queue to 1st Assign | 00:00:00 |
| 1st Unit Arrived | 3/16/2022 | 11:15:07 | | | Call Received to 1st Assign | -00:00:00 |
| Closed | 3/16/2022 | 12:31:20 | Mobile3 | | Assigned to 1st Enroute | 00:00:00 |
| | | | | | Enroute to 1st Arrived | 00:00:00 |
| | | | | | Incident Duration | 01:16:12 |

Resources Assigned

| Unit | Flag | Assigned | Disposition | Enroute | Staged | Arrived | At Patient | Delay Avail | Complete | Odm. Enroute | Odm. Arrived | Cancel Reason |
|------|------|----------|----------------|----------|--------|----------|------------|-------------|----------|--------------|--------------|---------------|
| 5i12 | Y | 11:15:07 | Warning Issued | 11:15:07 | | 11:15:07 | 11:16:44 | | 12:31:20 | | | |
| 5K18 | N | 11:27:05 | | 11:27:05 | | 11:47:34 | 11:48:56 | | 12:22:35 | | | |
| 5i11 | N | 12:22:36 | | 12:22:36 | | | | | 12:22:48 | | | |

Personnel Assigned

| Unit | Name |
|------|----------------------------------|
| 5i12 | Babb, Joel (BCLE38552) |
| 5K18 | Molina III, Martin A (BCLE35946) |
| 5i11 | Gereb, Joe (BCLE35011) |

Caution Notes

No Caution Notes found

Pre-Scheduled Information

No Pre-Scheduled Information

Transports

No Transports Information

DEF BATES BC 008357

Transport Legs
No Transports Information

Comments

| Date | Time | User | Type | Conf. | Comments |
|-----------|----------|----------------------|----------|-------|--|
| 3/16/2022 | 11:15:08 | Babb, Joel | Response | | *** License #: LJR4135 *** |
| 3/16/2022 | 11:49:50 | BCLE35476 | Response | | 5K18 NARC K9 DEPLOYMENT TIMESTAMP |
| 3/16/2022 | 11:50:49 | BCLE35476 | Response | | 5K18 POSITIVE ALERT // DRIVERSIDE DOOR |
| 3/16/2022 | 12:22:35 | Molina III, Martin A | Response | | kdar,k9 deployment, bwc avail |
| 3/16/2022 | 12:22:47 | Gereb, Joe | Response | | dar, assist/cover |
| 3/16/2022 | 12:30:47 | Babb, Joel | Response | | bwc avail |
| 3/16/2022 | 12:30:58 | Babb, Joel | Response | | DAR OIA T STOP X1 WARNING |
| | | | | | AXON BWC |

Address Changes
No Address Changes

Priority Changes

| Date | Time | Changed from Priority | Reason | User |
|-----------|----------|-----------------------|--------|------|
| 3/16/2022 | 11:15:07 | 00 | | M |

Alarm Level Changes
No Alarm Level Changes

Activity Log
No Call Activity

Edit Log

| Date | Time | Field | Changed From | Changed To | Reason | Table | Workstation | User |
|-----------|----------|------------------------|--------------|---|-------------------|--------------------------|---------------------|-----------|
| 3/16/2022 | 11:15:07 | CurrentSectorID | | 79 | (Response Viewer) | Incident | WPCADMOBPD02Mobile3 | |
| 3/16/2022 | 11:15:07 | Reponse Area | | C30 | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | House Number | | 0 | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Intersection Street ID | | SHEPHERD RD/NB IH 35 S OFRP SHEPHERD RD | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Alternate TAC Channel | | | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Primary TAC Channel | | | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Comand Channel | | | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Current Sector | 0 | 79 | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Home Sector | 0 | 79 | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Jurisdiction | | BCSO | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Battalion | | CHARLIE | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Divislon | | CHARLIE | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Longitude | | 98724814 | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Latitude | | 29256242 | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | StreetID | 0 | 73265 | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Postal Code | | 78002 | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | State | | TX | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | County | | BEXAR | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | City | | UBC | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:07 | Address | | IH 35 S NB | Address Change | Response_Master_Incident | WPCADMOBPD02M3 | |
| 3/16/2022 | 11:15:08 | Map_Info | | 711F6 | Polygon Lookup | | WPCADMOBPD02Mobile3 | |
| 3/17/2022 | 08:06:56 | Read Comment False | | True | (Response Viewer) | Response_Master_Incident | ROC-003 | BCLE43646 |

Custom Time Stamps
No Custom Time Stamps

Custom Data Fields

DEF BATES BC 008358

Description
PSAP

SAPD CHANNEL

Attachments
No Attachment

Data
BEXAR CO SO: 210-335-
4630
NOT SAPD

User
Mobile3
Mobile3

DEF BATES BC 008359

SPEARS Incident Summary: BCS220059233

CAD Master Incident: BCSO-2022-0082748

Case Number(s):

Incident Details:

CAD Problem Nature: Traffic Stop

Source: Officer initiated by

Reported time: 03/16/2022 11:15

Incident Type: Traffic Stop

Priority: 0

Incident time: 03/16/2022 12:31 -

Incident location: 16400 IH 35 S N N, SAN ANTONIO, BEXAR TX USA 78002 (Jurisdiction: BCSO, Division: CHARLIE, Response area: C30)

Incident status:

Incident status date:

Summary: TRAFFIC STOP WITH POSITIVE K-9 ALERT

Classification:

External incident numbers:

External file:

Judicial #:

Misc. number:

Civil number:

Other agency:

Citation:

Involved Persons:

Name: SCHOTT, ALEK JOSEPH

Gender: Male

Classification: Vehicle owner/manager

DOB: 03/28/1986

DL: 11974520 TX

Address: 1619 CAMBRIDGE OAKS CIR, HOUSTON, BEXAR TX USA 77094

Telephone:

Email:

Height: 6'1"

Weight: 220lb

Build:

Race: White

Hair Color:

Eye Color:

Involved Vehicles:

- Other / Ford F250 Supercab 2019 VIN:1FT7W2BT7KEC29944 / [Automobile: Hardtop, 4-door] TX Reg

DEF BATES BC 008360

#LJR4135 Colors: Black / Black

Involved Addresses:

- 16400 IH 35 S N N / Dispatch address / SAN ANTONIO, Texas, USA 78002 (Jurisdiction: BCSO, Division: CHARLIE, Response area: C30)

Involved Officers:

- Assisting officer / GEREB, J. / #35011 / BCS / Sworn / SPECIAL ENFORCEMENT / #17314 GAMBOA, P.
- Assisting officer; Reporting officer / MOLINA, M. / #35946 / BCS / Sworn / CANINE
- Reporting officer / BABB, J. / #38552 / BCS / Sworn / SPECIAL ENFORCEMENT / #17314 GAMBOA, P.

General report, Incident: BCS220059233**Author:** #38552 BABB, J.**Report time:** 03/18/2022 15:33**Entered by:** #38552 BABB, J.**Entered time:** 03/18/2022 15:33**Narrative:**

While on patrol working in a Criminal Interdiction Capacity wearing the BCSO Tan uniform with a chest mounted Axon Body Worn Camera (BWC). Driving a marked patrol Tahoe equipped with internal red and blue emergency lights, front mounted Vigilant license plate readers, a dash and rear seat mounted Axon Camera that was mistaking not activated, a NCIC/TCIC computer system, and a Brazos electronic ticket writing system. I was sitting static on the side of US Highway 35 South I observed the listed Ford F250 Texas license plate LJR4135 driving over the painted line on the left side of the road. I activated my red and blue emergency lights and initiated a traffic stop. The listed Ford pulled over without incident.

I approached the listed Ford on the passenger side of the vehicle. I made contact with the white male driver that was wearing khaki pants and a gray sweatshirt. I advised the driver who identified as Alek Schott of my name and the reason for the stop. I advised Alek Schott of my concern for sleepy drivers and he immediately began informing me of how he stayed at a hotel. I observed Alek Schott was sitting with his hands up and then rested on the steering wheel. Alek Schott looked to be breathing harder than normal by the rise and fall of his chest. Alek Schott's hand was trembling when he handed me his drivers license. I found this to be odd due to the fact I told Alek I was issuing him a warning for failure to maintain a lane. I asked Alek Schott to sit in my passenger seat while I type his warning on the Brazos system. Alek Schott agreed to sit in my passenger seat and exited the vehicle. I asked Alek Schott if he had any weapons in his vehicle and he stated "I dont think so there shouldn't be." This concerned me because most people know what's in there vehicle in my experience.

I came around to the driver side of the vehicle and Alek Schott again placed his hands in the air. I asked Alek Schott if I could pat him down and he gave me consent to pat him down for weapons. Alek Schott sat in my passenger and was explaining to me that he worked in remote power. I asked him where he was heading and he explained that he was going to see a client that was testing his helium engines. I was noticing when Alek Schott spoke with me about his job and what he was going to do in reference to the client he was responding with my questions in a low tone that I could barely hear. Alek Schott was also responding with alot of delaying responses such as uuuuummm and ahhhh. When I spoke with Alek Schott about Houston and other things not pertaining to what he was doing down south, I observed a deviation in his behaviour. Alek Schott was speaking clearly and at a higher volume. Using my training and experience I found these deviation in behavior and his delaying statements to questions about his job to be possible deception. I further observed that using the LPR systems that Alek Schott had been on I-10 west at midnight the night before heading south and had a one day turn around.

I asked Alek Schott if he had anything illegal in his vehicle and listed a variety of narcotics. Alek Schott said no to all contraband I listed. I asked Alek Schott if I could search his vehicle and he stated no. I explained to Alek Schott that I am going to call for a narcotics K-9 to do a outer sniff of his vehicle because I have reason to believe he possibly has something in his vehicle. Alek Schott stated that he refused consent because he doesn't know if a person that changed his oil dropped a joint in it. Alek Schott advised that he had some law school.

Deputy Molina arrived on scene with K-9 Maximus and conducted his outer sniff. K-9 Maximus alerted to the driver side door of the listed Ford. I informed Alek Schott that he the dog alerted and he was detained and that he was going to sit in the back of my vehicle while I search the vehicle. I placed Alek Schott in the back of my patrol vehicle and began my search.

Deputy J Gereb and Molina assisted me in my search and as I was searching the back seat I could not figure out how to move the rear seat forward to look behind it. Deputy J Gereb advised me that he could not open the bed cover either. I made contact with Alek Schott and asked him to open the rear bed cover and the back seat for us so that we dont damage anything. Alek Schott used a remote control to open the bed cover and I observed him struggling and having to push it manually while he was using the remote. I informed Alek Schott to stand back by my vehicle while we finish the search. Once I completed the search we found nothing. I issued Alek Schott his warning and walked him back to his truck and explained how we searched the truck and asked him if he had any questions. Alek Schott was pulling his bed cover closed manually and asked for my assistance. I assisted and Alek Schott asked if the stop would be documented and I explained that it had a incident number and would show that he was stopped and a K-9 alerted and he was searched. Alek Schott was released. No further actions were taken I returned to service.

DEF BATES BC 008362

Supplemental, Incident: BCS220059233

Author: #35946 MOLINA, M.

Report time: 03/17/2022 16:19

Entered by: #35946 MOLINA, M.

Entered time: 03/17/2022 16:19

Narrative:

I was dispatched to listed location to assist 5i12 with a k9 free air sniff. Once on location I made contact with the driver who advised me I could run my k9 on his vehicle and that he would not alert to anything. I walked max around the black pickup truck where he alerted on the driver side door. once inside the vehicle k9 maximus was alerting on the passenger side of the truck. I advised deputy babb of where k9 max had alerted too. k9 was secured back into the k9 Tahoe. bwc available.

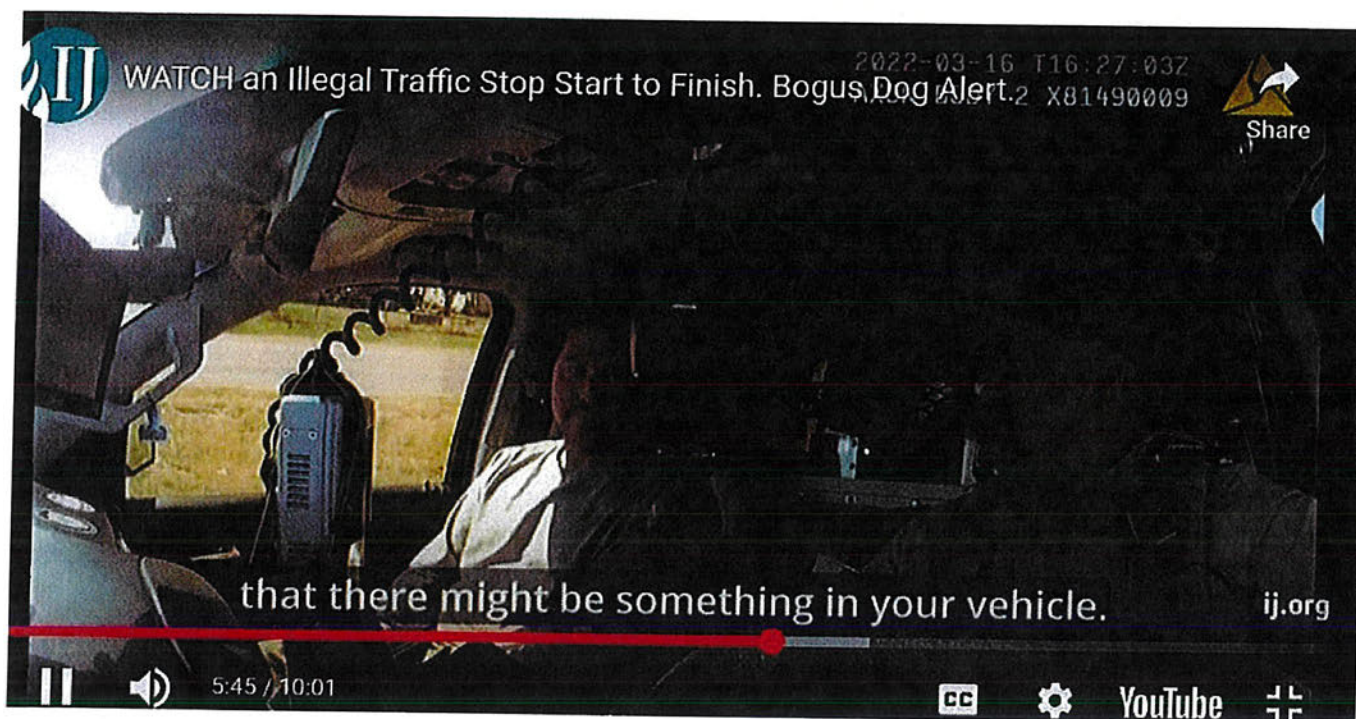
approved to send
to IA on 8/18/23
118/✓



DEF BATES BC 008364



1 20+



Betty BlackBetty

June 12 at 5:41 PM · 🧑🏻🧑🏻

Bexar County SO Deputy allows a potential suspect to sit in the passenger seat of our patrol unit

#sheriffsalazartransparencynottransparent
#deputysheriffsassociationnottransparent
#thetruthandnothingbutthetruth
#Hypocrisyofthehighestorder
#theydontknowweknow
#youaresallyzarspawn... See more



1

Like

Comment



Write a comment...



DEF BATES BC 008365

SPEARS Incident Summary: BCS220059233

CAD Master Incident: BCSO-2022-0082748

Case Number(s):

Incident Details:

CAD Problem Nature: Traffic Stop

Source: Officer initiated by

Reported time: 03/16/2022 11:15

Incident Type: Traffic Stop

Priority: 0

Incident time: 03/16/2022 12:31 -

Incident location: 16400 IH 35 S N N, SAN ANTONIO, BEXAR TX USA 78002 (Jurisdiction: BCSO, Division: CHARLIE, Response area: C30)

Incident status:

Incident status date:

Summary: TRAFFIC STOP WITH POSITIVE K-9 ALERT

Classification:

External incident numbers:

External file:

Judicial #:

Misc. number:

Civil number:

Other agency:

Citation:

Involved Persons:

Name: SCHOTT, ALEK JOSEPH

Gender: Male

Classification: Vehicle owner/manager

DOB: 03/28/1986

DL: 11974520 TX

Address: 1619 CAMBRIDGE OAKS CIR, HOUSTON, BEXAR TX USA 77094

Telephone:

Email:

Height: 6'1"

Weight: 220lb

Build:

Race: White

Hair Color:

Eye Color:

Involved Vehicles:

- Other / Ford F250 Supercab 2019 VIN:1FT7W2BT7KEC29944 / [Automobile: Hardtop, 4-door] TX Reg

DEF BATES BC 008366

#LJR4135 Colors: Black / Black

Involved Addresses:

- 16400 IH 35 S N N / Dispatch address / SAN ANTONIO, Texas, USA 78002 (Jurisdiction: BCSO, Division: CHARLIE, Response area: C30)

Involved Officers:

- Assisting officer / GEREB, J. / #35011 / BCS / Sworn / SPECIAL ENFORCEMENT / #17314 GAMBOA, P.
- Assisting officer; Reporting officer / MOLINA, M. / #35946 / BCS / Sworn / CANINE
- Reporting officer / BABB, J. / #38552 / BCS / Sworn / SPECIAL ENFORCEMENT / #17314 GAMBOA, P.

DEF BATES BC 008367

General report, Incident: BCS220059233**Author:** #38552 BABB, J.**Report time:** 03/18/2022 15:33**Entered by:** #38552 BABB, J.**Entered time:** 03/18/2022 15:33**Narrative:**

While on patrol working in a Criminal Interdiction Capacity wearing the BCSO Tan uniform with a chest mounted Axon Body Worn Camera (BWC). Driving a marked patrol Tahoe equipped with internal red and blue emergency lights, front mounted Vigilant license plate readers, a dash and rear seat mounted Axon Camera that was **mistaking not activated**, a NCIC/TCIC computer system, and a Brazos electronic ticket writing system. I was sitting static on the side of US Highway 35 South I observed the listed Ford F250 Texas license plate LJR4135 driving over the painted line on the left side of the road. I activated my red and blue emergency lights and initiated a traffic stop. The listed Ford pulled over without Incident.

I approached the listed Ford on the passenger side of the vehicle. I made contact with the white male driver that was wearing khaki pants and a gray sweatshirt. I advised the driver who identified as Alek Schott of my name and the reason for the stop. I advised Alek Schott of my concern for sleepy drivers and he immediately began informing me of how he stayed at a hotel. I observed Alek Schott was sitting with his hands up and then rested on the steering wheel. Alek Schott looked to breathing harder than normal by the rise and fall of his chest. Alek Schott's hand was trembling when he handed me his drivers license. I found this to be odd due to the fact I told Alek I was issuing him a warning for failure to maintain a lane. I asked Alek Schott to sit in my passenger seat while I type his warning on the Brazos system. Alek Schott agreed to sit in my passenger seat and exited the vehicle. I asked Alek Schott if he had any weapons in his vehicle and he stated "I dont think so there shouldn't be." This concerned me because most people know what's in there vehicle in my experience.

I came around to the driver side of the vehicle and Alek Schott again placed his hands in the air. I asked Alek Schott if I could pat him down and he gave me consent to pat him down for weapons. Alek Schott sat in my passenger and was explaining to me that he worked in remote power. I asked him where he was heading and he explained that he was going to see a client that was testing his helium engines. I was noticing when Alek Schott spoke with me about his job and what he was going to do in reference to the client he was responding with my questions in a low tone that I could barely hear. Alek Schott was also responding with alot of delaying responses such as uuuuummm and ahhhh. When I spoke with Alek Schott about Houston and other things not pertaining to what he was doing down south, I observed a deviation in his behaviour. Alek Schott was speaking clearly and at a higher volume. Using my training and experience I found these deviation in behavior and his delaying statements to questions about his job to be possible deception. I further observed that using the LPR systems that Alek Schott had been on I-10 west at midnight the night before heading south and had a one day turn around.

I asked Alek Schott if he had anything illegal in his vehicle and listed a variety of narcotics. Alek Schott said no to all contraband I listed. I asked Alek Schott if I could search his vehicle and he stated no. I explained to Alek Schott that I am going to call for a narcotics K-9 to do a outer sniff of his vehicle because I have reason to believe he possibly has something in his vehicle. Alek Schott stated that he refused consent because he doesn't know if a person that changed his oil dropped a joint in it. Alek Schott advised that he had some law school.

Deputy Molina arrived on scene with K-9 Maximus and conducted his outer sniff. K-9 Maximus alerted to the driver side door of the listed Ford. I informed Alek Schott that he the dog alerted and he was detained and that he was going to sit in the back of my vehicle while I search the vehicle. I placed Alek Schott in the back of my patrol vehicle and began my search.

Deputy J Gereb and Molina assisted me in my search and as I was searching the back seat I could not figure out how to move the rear seat forward to look behind it. Deputy J Gereb advised me that he could not open the bed cover either. I made contact with Alek Schott and asked him to open the rear bed cover and the back seat for us so that we dont damage anything. Alek Schott used a remote control to open the bed cover and I observed him struggling and having to push it manually while he was using the remote. I informed Alek Schott to stand back by my vehicle while we finish the search. Once I completed the search we found nothing. I issued Alek Schott his warning and walked him back to his truck and explained how we searched the truck and asked him if he had any questions. Alek Schott was pulling his bed cover closed manually and asked for my assistance. I assisted and Alek Schott asked if the stop would be documented and I explained that it had a incident number and would show that he was stopped and a K-9 alerted and he was searched. Alek Schott was released. No further actions were taken I returned to service.

DEF BATES BC 008368

Supplemental, Incident: BCS220059233

Author: #35946 MOLINA, M.

Report time: 03/17/2022 16:19

Entered by: #35946 MOLINA, M.

Entered time: 03/17/2022 16:19

Narrative:

I was dispatched to listed location to assist 5i12 with a k9 free air sniff. Once on location i made contact with the driver who advised me I could run my k9 on his vehicle and that he would not alert to anything. I walked max around the black pickup truck where he alerted on the driver side door. once inside the vehicle k9 maximus was alerting on the passenger side of the truck. I advised deputy babb of where k9 max had alerted too. k9 was secured back into the k9 Tahoe. bwc available.

DEF BATES BC 008369

Supplemental, Incident: BCS220059233

Author: #38552 BABB, J.**Report time:** 04/12/2022 22:04**Entered by:** #38552 BABB, J.**Entered time:** 04/12/2022 22:04**Narrative:**

I discovered on the date of April 12, 2022 that my dash cam was inoperable on March 16, 2022 during listed traffic stop. Sergeant Gamboa was reviewing the footage from the stop due to a complaint and advised me that he could not find the footage. I then realized at that point the footage was not there. All body cam footage however was there.

Action log

| <i>Type</i> | <i>Entry time</i> | <i>Event time</i> | <i>Author</i> | <i>Link</i> | <i>Log entry</i> |
|-------------|-------------------|-------------------|---------------|-------------|------------------|
|-------------|-------------------|-------------------|---------------|-------------|------------------|

DEF BATES BC 008370

Perez, Victor III

From: Von Muldau, Aaron
Sent: Thursday, September 21, 2023 8:53 AM
To: Perez, Victor III
Subject: RE: Babb dash cam details.

Here is the metadata for the stop before. If you look on the bottom right you will see that he was the person logged in and the serial number for the Fleet 2 Camera.

The screenshot displays a video management interface. At the top, a timeline shows a duration from 1m to 13m. Below the timeline, there are tabs for 'Clips & Markers', 'Redactions', and 'Overlays'. Under 'Clips & Markers', there are buttons for 'ADD MARKER', 'ADD CLIP', and 'EXPORT MARKERS'. A large box in the center states 'NO CLIPS OR MARKERS'. To the right, a 'METADATA' section contains the following information:

- ASSIGNED TO:** LE Dep. Babb, Joel (38552)
- RECORDED ON:** Mar 16, 2022 9:18 AM -05:00
- UPLOADED ON:** Mar 16, 2022 9:45 AM -05:00
- UPLOADED BY:** LE Dep. Babb, Joel (38552)
- QUEUED FOR DELETION ON:** Unscheduled
- FILE FORMAT:** video/mp4
- FILE SIZE:** 258.4 MB
- DOCUMENT CHECKSUM:** 3f6790c680ee1735e84eb704ad4dd7ed304972f425074d45cb1367fa03d489b0
- EVIDENCE GROUP:** East Patrol 2nd
- SOURCE:**
 - Serial: X54012450
 - Model: Fleet 2 Camera
 - Vehicle: 8484
 - Mount: Front

Below the metadata, there is a 'DESCRIPTION' section with the text 'No description has been added yet'. Underneath, a table titled 'ALSO WITH ID' lists clips:

| Title | Assigned To | Created On |
|-----------------------------------|----------------------------|------------|
| BCSO-2022-0082552 38552 Babb J... | LE Dep. Babb, Joel (38552) | 03/16/2022 |

At the bottom, a 'NOTES' section states 'No notes have been posted yet'.

Stop after the report malfunction:

10s20s30s40s50s1m1m10s1m20s1m30s1m40s1m50s

Clips & MarkersRedactionsOverlays

ADD MARKERADD CLIPEXPORT MARKERS

NO CLIPS OR MARKERS

DESCRIPTION

No description has been added yet

NOTES

No notes have been posted yet

POST NOTE
0/4000

METADATA

ASSIGNED TO:

LE Dep. Babb, Joel (38552)

RECORDED ON:

Mar 16, 2022 12:54 PM -05:00

UPLOADED ON:

Mar 16, 2022 12:58 PM -05:00

UPLOADED BY:

LE Dep. Babb, Joel (38552)

QUEUED FOR DELETION ON:

Unscheduled

FILE FORMAT:

video/mp4

FILE SIZE:

35.8 MB

DOCUMENT CHECKSUM:

c941557da472e814ee00c6823a7bc4d50379a2b03671b50f195c69a8e05180

EVIDENCE GROUP:

East Patrol 2nd

SOURCE

Serial: X54012450

Model: Fleet 2 Camera

Vehicle: 8484

Mount: Front

CASES

Babb

No Description

CATEGORIES

ADD CATEGORY

TAGS

ADD TAG

The serial numbers match the device I have provided to you and if you go through all the other videos you will see him as the only person there. Hope I have explained everything sufficiently.

Captain Aaron von Muldau #600
Executive Officer
Bexar County Sheriff's Office
(210) 669-9047
avonmuldau@bexar.org

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From: Perez, Victor III <vp34981@bexar.org>
Sent: Thursday, September 21, 2023 8:47 AM
To: Von Muldau, Aaron <avonmuldau@bexar.org>
Subject: RE: Babb dash cam details.

Wow, thank you sir.

From: Von Muldau, Aaron <avonmuldau@bexar.org>
Sent: Thursday, September 21, 2023 8:44 AM
To: Perez, Victor III <vp34981@bexar.org>
Subject: RE: Babb dash cam details.

If you look at page 528 line 9420 - You will see an example that I talked about when a equipment malfunction occurs due to the battery getting low.

Not the same thing.

Captain Aaron von Muldau #600
Executive Officer
Bexar County Sheriff's Office
(210) 669-9047
avonmuldau@bexar.org

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From: Von Muldau, Aaron
Sent: Thursday, September 21, 2023 8:42 AM
To: Perez, Victor III <vp34981@bexar.org>
Subject: RE: Babb dash cam details.

No, that's fine. I will get you the log and give an explanation that he will need to answer. Could be a multitude of issues but as of now I can say with high certainty that is was not an equipment "malfunction" as stated in his supplement report.

Here is the log for the camera associated with the vehicle he was driving that day. I was able to pull the serial number from the previous stop and the stop following, when he discovered the camera malfunctioned as the same.

In the log on page 396

Line 7060

shows the camera was activated by utilizing the vehicle triggers installed @ 09:18

Line 761 – 7064

The stop is recorded, logged, and uploaded, no issues.

Line 7065

Camera powered off using the power switch @ 11:13 (this was right before the stop).

Our observations and deductions – This was a "MANUAL" or "PHYSICAL" turn off utilizing the "physical power switch" on the device. Based on the log this is a intentional act and cannot occur by something falling on it. It is my understanding that like the body camera you must HOLD the switch down for a determinable amount of time before it accepts the action; we do not believe this action could be accidental.

Line 7066

Camera powered on using the power switch @ 12:46 (just after the stop).

Again, an intentional act. The camera cycles back up, does all the internal and network checks and is ready. @ 1254 the camera automatically activates utilizing one of the installed triggers (SPEED ACTIVATION) and from there seems to be working just fine. IT should be noted that the battery was charged at 100% and had over 62.521 GB so space or power were never issue (if a camera goes below a certain threshold, around 49% we believe, it will utilize a "power saving" mode to conserve battery but this wasn't the case. In addition, space on the device to capture video was more than available and it would have been able to store another 4-6 hours of videos if necessary. You can see from the log that the "automatic" uploading was working correctly before this stop and the stop just after so this wouldn't be an issue either. The device is currently still in operation, and we were going to capture it and send it in for diagnostic, but I feel confident that the device did not malfunction but was turned off by the user. Lastly, he wrote a supplemental report to say there was an issue with the camera but never made a report to have it looked at or contact the Camera Team to inform them of the issue. I can't answer the WHY and there could be a legitimate answer for that, but "malfunction" is probably not one of them, if you review the log the camera has pretty much been working since that one "reported hiccup," which might be user error and not equipment failure.

Let me know if this works. This was discovered during a discovery request, approximately 1 month ago. Prior to this we did not have any reason to believe that he was mistaken, or the report wasn't fully factually based on the log.

Captain Aaron von Muldau #600
Executive Officer
Bexar County Sheriff's Office
(210) 669-9047
avonmuldau@bexar.org

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From: Perez, Victor III <vp34981@bexar.org>
Sent: Thursday, September 21, 2023 8:18 AM
To: Von Muldau, Aaron <avonmuldau@bexar.org>
Subject: RE: Babb dash cam details.

Well sir, I have Deputy Babb scheduled to come in this morning. I would like to have it for my case file while he's here. I could meet you after if I need help interpreting the information. I apologize for the last minute request.

From: Von Muldau, Aaron <avonmuldau@bexar.org>
Sent: Thursday, September 21, 2023 8:14 AM
To: Perez, Victor III <vp34981@bexar.org>
Cc: Abraham, Abraham <Abraham.Abraham@bexar.org>
Subject: RE: Babb dash cam details.

Of course... Do you want to meet with me or just have me provide it?

Captain Aaron von Muldau #600
Executive Officer
Bexar County Sheriff's Office
(210) 669-9047
avonmuldau@bexar.org

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From: Perez, Victor III <vp34981@bexar.org>
Sent: Thursday, September 21, 2023 8:13 AM
To: Von Muldau, Aaron <avonmuldau@bexar.org>
Cc: Abraham, Abraham <Abraham.Abraham@bexar.org>
Subject: Babb dash cam details.

Good afternoon Capt., Lt Abraham informed me you may have some information on the operation of Deputy Babb's dash cam in regard to the action entry associated with his traffic stop on 3/16/22. If it is not too much trouble, could to provide me the information at your convenience. Thank you in advance.

Respectfully,

Sgt. Victor Perez #260
Bexar County Sheriff Office
Internal Affairs
Desk: 210-335-6726
Cell: 210-260-9033
Email: vp34981@bexar.org





DEVICE AUDIT TRAIL

Model: Fleet 2 Camera
Serial Number: X54012450

Audit Report Date Range: 01 Jan 1970 - 13 Sep 2023
Document generated: 12 Sep 2023
Audit generated by: LE Captain von
Mulda, Aaron

| Item | Date/Time | Event | Additional Information |
|------|-------------------------------------|---|--|
| 7058 | 03/16/2022 09:09:41.991 AM -0500 | Recording stopped using Axon application | Battery 90% Video Count 1 GB Remaining 62.451 |
| 7059 | 03/16/2022 09:12:26.795 AM -0500 | Video successfully uploaded and deleted from camera using Axon View XL by LE Dep. Babb, Joel (38552) | Evidence ID f5f9073f7df7496bb068bbb942d71625 |
| 7060 | 03/16/2022 09:18:41.796 AM -0500 | Recording started due to Axon Signal Vehicle activation | Battery 94% GB Remaining 62.521 Signal Trigger(s) 12 |
| 7061 | 03/16/2022 09:18:41.804 AM -0500 | Video file created | Evidence ID 19cefa9664cd480189f0e9d84560f4f8 Source Camera |
| 7062 | 03/16/2022 09:18:44.681 AM -0500 | GPS added to video metadata using Axon View XL | Evidence ID 19cefa9664cd480189f0e9d84560f4f8 |
| 7063 | 03/16/2022 09:33:12.562 AM -0500 | Recording stopped using Axon application | Battery 98% Video Count 1 GB Remaining 62.172 |
| 7064 | 03/16/2022 09:45:06.467 AM -0500 | Video successfully uploaded and deleted from camera using Axon View XL by LE Dep. Babb, Joel (38552) | Evidence ID 19cefa9664cd480189f0e9d84560f4f8 |
| 7065 | 03/16/2022 11:13:17.337 AM -0500 | Camera powered off using power switch | Battery 100% Video Count 0 GB Remaining 62.521 |
| 7066 | 03/16/2022 12:46:39.967 PM -0500 | Camera powered on using power switch | |
| 7067 | 03/16/2022 12:46:39.968 PM -0500 | Checking firmware version | Firmware Version 1.25.22 |
| 7068 | 03/16/2022 12:47:16.000 PM -0500 | Date/Time synced to 03/16/2022 12:47:16.00 PM from 03/16/2022 12:47:15.00 PM | |
| 7069 | 03/16/2022 12:54:16.843 PM -0500 | Recording started due to Axon Fleet Speed Activation | Battery 100% GB Remaining 62.521 |
| 7070 | 03/16/2022 12:54:16.850 PM -0500 | Video file created | Evidence ID 854d341985cd46dd8b8780390f7fee8a Source Camera |
| 7071 | 03/16/2022 12:54:18.053 PM -0500 | GPS added to video metadata using Axon View XL | Evidence ID 854d341985cd46dd8b8780390f7fee8a |
| 7072 | 03/16/2022 12:55:45.238 PM -0500 | Recording stopped using Axon application | Battery 100% Video Count 1 GB Remaining 62.472 |
| 7073 | 03/16/2022 12:56:16.052 PM -0500 | Categories 'Accidental Activation' added to video metadata using Axon View XL by LE Dep. Babb, Joel (38552) | Evidence ID 854d341985cd46dd8b8780390f7fee8a |
| 7074 | 03/16/2022 12:58:22.620 PM -0500 | Video successfully uploaded and deleted from camera using Axon View XL by LE Dep. Babb, Joel (38552) | Evidence ID 854d341985cd46dd8b8780390f7fee8a |

DEF BATES BC 008376



DEVICE AUDIT TRAIL

Model: Fleet 2 Camera
Serial Number: X54012450

Audit Report Date Range: 01 Jan 1970 - 13 Sep 2023
Document generated: 12 Sep 2023
Audit generated by: LE Captain von
Muldau, Aaron

| Item | Date/Time | Event | Additional Information |
|------|-------------------------------------|---|--|
| 7075 | 03/16/2022 01:08:30.029 PM -0500 | Camera powered off using power switch | Battery 100% Video Count 0 GB Remaining 62.521 |
| 7076 | 03/16/2022 02:05:37.964 PM -0500 | Camera powered on using power switch | |
| 7077 | 03/16/2022 02:05:37.965 PM -0500 | Checking firmware version | Firmware Version 1.25.22 |
| 7078 | 03/16/2022 02:05:56.000 PM -0500 | Date/Time synced to 03/16/2022 02:05:56.00 PM from 03/16/2022 02:05:56.00 PM | |
| 7079 | 03/16/2022 02:06:54.939 PM -0500 | Recording started using Axon application | Battery 100% GB Remaining 62.521 |
| 7080 | 03/16/2022 02:06:54.946 PM -0500 | Video file created | Evidence ID 0d4190ca62614bb3b14f64c1049f1220 Source Camera |
| 7081 | 03/16/2022 02:06:57.975 PM -0500 | GPS added to video metadata using Axon View XL | Evidence ID 0d4190ca62614bb3b14f64c1049f1220 |
| 7082 | 03/16/2022 02:13:20.039 PM -0500 | Recording stopped using Axon application | Battery 100% Video Count 1 GB Remaining 62.358 |
| 7083 | 03/16/2022 02:20:27.505 PM -0500 | Video successfully uploaded and deleted from camera using Axon View XL by LE Dep. Babb, Joel (38552) | Evidence ID 0d4190ca62614bb3b14f64c1049f1220 |
| 7084 | 03/16/2022 02:22:34.931 PM -0500 | Recording started due to Axon Signal Vehicle activation | Battery 100% GB Remaining 62.521 Signal Trigger(s) 12 |
| 7085 | 03/16/2022 02:22:34.940 PM -0500 | Video file created | Evidence ID 2f915f045d7744448ba84bfd044f9167 Source Camera |
| 7086 | 03/16/2022 02:22:35.242 PM -0500 | GPS added to video metadata using Axon View XL | Evidence ID 2f915f045d7744448ba84bfd044f9167 |
| 7087 | 03/16/2022 02:23:35.339 PM -0500 | Recording stopped using Axon application | Battery 100% Video Count 1 GB Remaining 62.483 |
| 7088 | 03/16/2022 02:23:47.082 PM -0500 | Categories 'Accidental Activation' added to video metadata using Axon View XL by LE Dep. Babb, Joel (38552) | Evidence ID 2f915f045d7744448ba84bfd044f9167 |
| 7089 | 03/16/2022 02:25:53.267 PM -0500 | Recording started due to Axon Fleet Speed Activation | Battery 100% GB Remaining 62.483 |
| 7090 | 03/16/2022 02:25:53.275 PM -0500 | Video file created | Evidence ID fd69e8b7217944189f54b6b05018472a Source Camera |
| 7091 | 03/16/2022 02:25:53.278 PM -0500 | GPS added to video metadata using Axon View XL | Evidence ID fd69e8b7217944189f54b6b05018472a |
| 7092 | 03/16/2022 02:26:02.810 PM -0500 | Recording stopped using Axon application | Battery 100% Video Count 2 GB Remaining 62.467 |

DEF BATES BC 008377



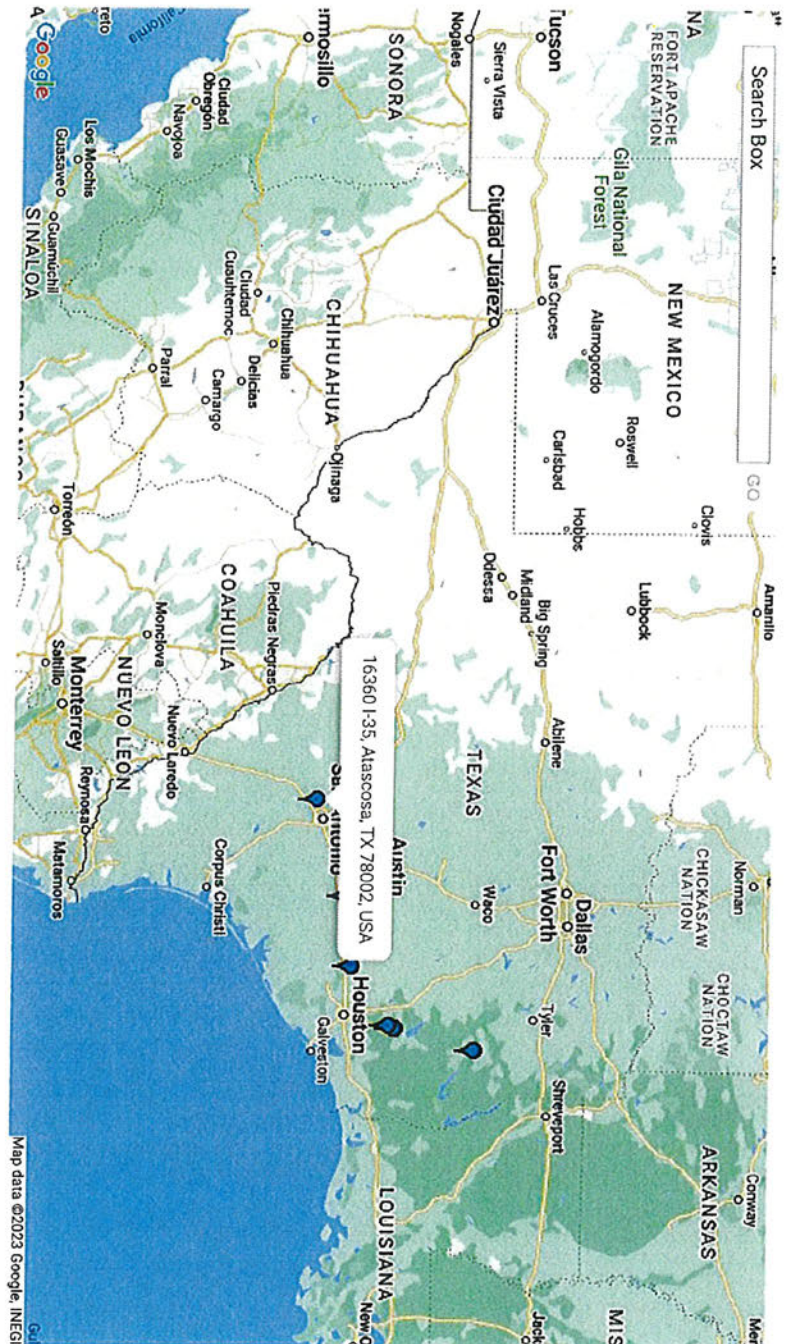
DEVICE AUDIT TRAIL

Model: Fleet 2 Camera
Serial Number: X54012450

Audit Report Date Range: 01 Jan 1970 - 13 Sep 2023
Document generated: 12 Sep 2023
Audit generated by: LE Captain von
Muldau, Aaron

| Item | Date/Time | Event | Additional Information |
|------|-------------------------------------|--|--|
| 7040 | 03/15/2022 10:52:54.600 PM -0500 | Camera powered off using power switch | Battery 100% Video Count 0 GB Remaining 62.521 |
| 7041 | 03/15/2022 11:25:23.988 PM -0500 | Camera powered on using power switch | |
| 7042 | 03/15/2022 11:25:23.988 PM -0500 | Checking firmware version | Firmware Version 1.25.22 |
| 7043 | 03/15/2022 11:25:37.001 PM -0500 | Date/Time synced to 03/15/2022 11:25:37.00 PM from 03/15/2022 11:25:36.00 PM | |
| 7044 | 03/15/2022 11:25:39.804 PM -0500 | Recording started using Axon application | Battery 100% GB Remaining 62.521 |
| 7045 | 03/15/2022 11:25:39.814 PM -0500 | Video file created | Evidence ID 4663b82077004ceb863aa35836a434f8 Source Camera |
| 7046 | 03/15/2022 11:25:40.015 PM -0500 | GPS added to video metadata using Axon View XL | Evidence ID 4663b82077004ceb863aa35836a434f8 |
| 7047 | 03/15/2022 11:43:56.558 PM -0500 | Recording stopped using Axon application | Battery 100% Video Count 1 GB Remaining 61.828 |
| 7048 | 03/15/2022 11:55:05.009 PM -0500 | Recording started due to Axon Signal Vehicle activation | Battery 100% GB Remaining 61.825 Signal Trigger(s) 12 |
| 7049 | 03/15/2022 11:55:05.016 PM -0500 | Video file created | Evidence ID e3952ca2b485409a91614657eda8880d Source Camera |
| 7050 | 03/15/2022 11:55:06.468 PM -0500 | GPS added to video metadata using Axon View XL | Evidence ID e3952ca2b485409a91614657eda8880d |
| 7051 | 03/16/2022 12:04:23.246 AM -0500 | Video successfully uploaded and deleted from camera using Axon View XL by LE Dep. Babb, Joel (38552) | Evidence ID 4663b82077004ceb863aa35836a434f8 |
| 7052 | 03/16/2022 12:11:21.865 AM -0500 | Recording stopped using Axon application | Battery 100% Video Count 1 GB Remaining 61.917 |
| 7053 | 03/16/2022 12:26:54.876 AM -0500 | Video successfully uploaded and deleted from camera using Axon View XL by LE Dep. Babb, Joel (38552) | Evidence ID e3952ca2b485409a91614657eda8880d |
| 7054 | 03/16/2022 07:42:16.000 AM -0500 | Date/Time synced to 03/16/2022 07:42:16.00 AM from 03/16/2022 07:42:15.00 AM | |
| 7055 | 03/16/2022 09:07:50.797 AM -0500 | Recording started due to Axon Signal Vehicle activation | Battery 89% GB Remaining 62.521 Signal Trigger(s) 12 |
| 7056 | 03/16/2022 09:07:50.804 AM -0500 | Video file created | Evidence ID f5f9073f7df7496bb068bbb942d71625 Source Camera |
| 7057 | 03/16/2022 09:07:52.425 AM -0500 | GPS added to video metadata using Axon View XL | Evidence ID f5f9073f7df7496bb068bbb942d71625 |

DEF BATES BC 008378



Vehicle Data:



Plate Image

Vehicle Image

Scan Data:

Plate # 1: LJR4135

Plate # 2: N/A

Date: 03-16-22

Time: 12:23:23 PM CDT

Longitude: -98.71304512

Latitude: 29.26006614

Scanned By:

Agency: Bexar County Sheriff's Office (TX)

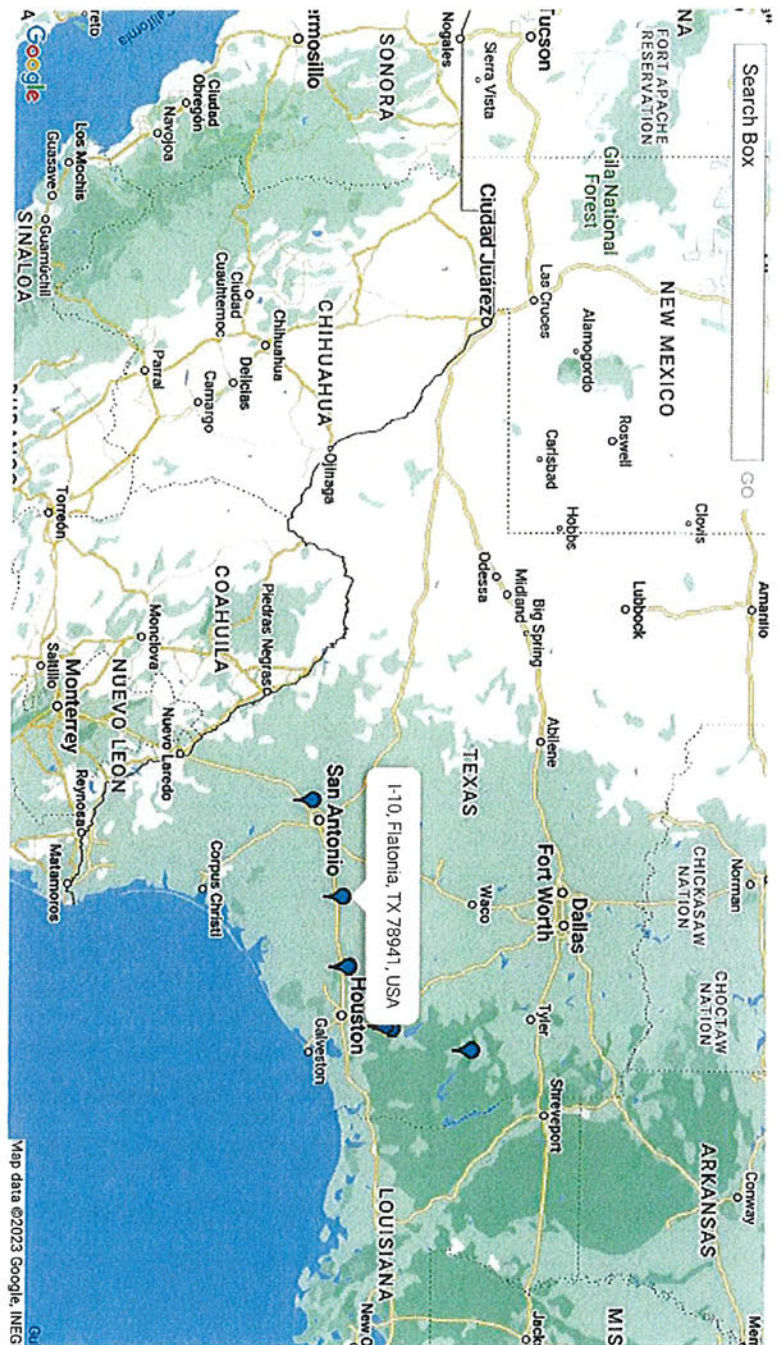
User: Joe Gerab

System: 8446

Output Report

Show Address

DEF BATES BC 008379



Vehicle Data:

LIR-4135

Plate Image



Vehicle Image

Scan Data:

Plate # 1: LIR4135

Plate # 2: LIR4135

Date: 03-15-22

Time: 6:52:38 PM CDT

Longitude: -97.18969

Latitude: 29.691954

Scanned By:

Agency: Fayette County Sheriff's Office (TX)

User: LPR Trailer 2 (Dedecac)

System: LPR Trailer 2 (Dedecac)

Output Report

Show Address

DEF BATES BC 008380



**Internal Affairs Section
Witness/Complainant Statement**

Statement taken at: 126 East Nueva Street, B1, San Antonio, TX 78204

Statement taken by: Sgt. Melanie Bowser

Case Number: 2023-IA-0228

DATE: Jan 12, 2024

Before me, the undersigned authority, in and for the State of Texas and the County of Bexar, on the above date personally appeared **Deputy Joe Gereb** who being by me first duly sworn upon his/her oath, deposes and says:

On March 16, 2022; while conducting Criminal Interdiction Operations on IH 35 S; I responded to assist Dep. J. Babb who was already on a traffic stop. I responded to Dep. J. Babb's location due to myself and him being the only (2) Criminal Interdiction Deputies on IH 35 S. Upon arrival to location, I observed that K-9 Dep. M. Molina was on location and assisting as well. I then made contact with Dep. J. Babb who was already conducting a search of the vehicle. I assisted in the search of the vehicle when I checked the vehicle's truck bed. I observed that the vehicle's truck bed had a "bed cover" over it and was not able to be removed. When I opened the vehicle's tailgate, I observed that there were canisters that are usually known to hold some form of gas which is commonly used with construction equipment. I attempted to remove the truck cover which did not budge so I did not attempt to force it off, unknown if there was some form of a locking device. I did advise Dep. J. Babb that I was unable to remove the cover. I then looked at the canisters and did not observe any type of damage or any indications that there could be a false compartment. I also looked at the truck bed to see if there was any abnormalities to which I did not see any. Dep J. Babb was advised of my findings and observations to the truck bed. I did not write a supplemental report to the incident due to the incident being a traffic stop and was only a covering deputy. When I attempted to review my Body Worn Camera footage on (1/12/2024) at the Internal Affairs Section, I was unable to review it due to the footage being archived at this time. I advised Sgt. M. Bowser of the BWC footage being archived. Since the BWC footage was unable to be reviewed, I was not able to recall any statements that were made to me during the course of the traffic stop to include Dep. J. Babb's probable cause for the stop or search.

I wish to state that I can read and write the English language and that I have read the contents of this statement and that it is true and correct to the best of my knowledge and recall. I further wish to state that I have not been threatened or promised anything for giving this statement. I further wish to state that I have given this statement of my own free will and I will testify if necessary to the contents of my statement.



Bexar County Sheriff's Office

★★★★ Sheriff Javier Salazar ★★★★★

I ☒ will ☐ will not agree to take a polygraph examination with regard to the contents of my statement.

The events above occurred in the State of Texas.

"I have read and sworn under penalty of law that the contents of this report are true and correct."


Signature

Subscribed and sworn to before me, Sgt. Melanie Bowser, a Peace Officer of the State of Texas and pursuant to Sec. 602.002 Texas Government Code on this the 12th day of January, A.D. 2024.


Peace Officer



Bexar County Sheriff's Office

☆☆☆☆ Sheriff Javier Salazar ☆☆☆☆

**Internal Affairs Section
Witness/Complainant Statement**

Statement taken at: 126 East Nueva Street, B1, San Antonio, TX 78204

Statement taken by: Sgt. Victor Perez #260

Case Number: 2023-IA-0228

DATE: Jan 12, 2024

Before me, the undersigned authority, in and for the State of Texas and the County of Bexar, on the above date personally appeared **Deputy Martin Molina** who being by me first duly sworn upon his/her oath, deposes and says:

On March 16, 2022, 5i12 J. Babb had requested a narcotics k9 unit to his location on IH 35 South I keyed up on the radio and advised him I would be enroute and I was coming from the other part of the county. It took me roughly 20-25 minutes to make the location. Once on scene I talked to deputy Babb who advised me he had stopped this vehicle and did not know the probable cause of the stop, but he did say the driver of the vehicle was refusing consent to search the truck. I walked over to deputy babb's Tahoe where the driver of the black pickup was sitting in the front passenger seat, I identified myself to him and advised him if he had a problem with me running my K9 on his truck and he stated he did not. I deployed k9 maximus and began our exterior vehicle sweep. K9 maximus began checking all the workable areas on the truck, when we get to the passenger's side of the vehicle he goes into the ditch as if something is driving him that way due to the windows being down in the pickup. I get k9 maximus back on track and start on another workable area of the truck. As k9 maximus is on the driver side of the truck now and I'm coming around the front of the truck I see him jump up to the window then smell the door again and sit's. I walked past k9 maximus and I proceeded to the next workable area for k9 maximus to search which is going to be the rear wheel well of the truck bed. I tap the inside of the fender to see if maximus is going to break his alert and come search where the area I'm telling him too. We train this way, and this method is also used in our yearly certifications I like to call it proofing your k9. K9 maximus is loyal to me since I'm his handler and should listen to whatever I tell him to do but he is trained to be more loyal to the odor of narcotics and not leave the scent even if I'm calling him to work another area or if I'm just telling him to go back to his kennel. As you can see in the video k9 maximus appears to get frustrated with me as I'm calling him to search this next area and you can see him clearly see him not wanting to leave that front door of the truck, you can even hear max whine and jump up on the door with his front paw hitting the door and I did not see any scratch marks on the door. Then Deputy babb walked up once he saw k9 maximus go inside the vehicle and was asking where he had alerted too, and I explained and advised where he had alerted too. While I was there deputy babb said that "a guy called him and he said where are you at and he said I'm here". I helped deputy babb search the vehicle for narcotics and I saw him on the phone but didn't know who he was talking too.

I wish to state that I can read and write the English language and that I have read the contents of this statement and that it is true and correct to the best of my knowledge and recall. I further wish to state that I have not been threatened or promised anything for giving this statement. I further wish

Page 1 of 2:

DEF BATES BC 008383



Bexar County Sheriff's Office

☆☆☆☆ Sheriff Javier Salazar ☆☆☆☆

to state that I have given this statement of my own free will and I will testify if necessary to the contents of my statement.

I ☒ will ☐ will not agree to take a polygraph examination with regard to the contents of my statement.

The events above occurred in the State of Texas.

"I have read and sworn under penalty of law that the contents of this report are true and correct."


Signature

Subscribed and sworn to before me, Sgt. Melanie Bowser, a Peace Officer of the State of Texas and pursuant to Sec. 602.002 Texas Government Code on this the 12 day of January, A.D. 2024.


Peace Officer